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ABSTRACT

About 10,000 children in North Carolina are removed from their families each year and placed into foster care. The purpose of this study was to determine why children in North Carolina are placed in foster care, what happens to them while they are in care, and under what circumstances they leave foster care. A preliminary field survey was conducted in five counties to get an overview of the way the foster care system was administered. The result of the field survey was used to design the remainder of the study. Statistics and information collected by the state in administering the foster care and adoption program were analyzed. Child abuse, neglect, and the unwillingness or inability of the family to care for the child are the major reasons that children are placed in foster care. Many foster children may be handicapped or have special needs. Most parents have no clear understanding of what is required of them to regain their children. Alternatives to foster care generally are not considered by the social services department. The state of North Carolina is willing to pay 150% more to keep a child outside its own home than it is to permit a child to stay at home. Recommendations for foster care policy are made. (Author/RH)

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"Why Can't I Have A Home?"

A Report on Foster Care and Adoption in North Carolina

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December 1978
Governor's Advocacy Council on Children and Youth

WHY CAN'T I HAVE A HOME?: FOSTER CARE AND ADOPTION IN NORTH CAROLINA

GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH
N.C. DEPARTMENT OF ADMINISTRATION
HOWARD BUILDING, 112 WEST LANE STREET
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CORRECTIONS

Page 24 In "boarding home agreements," parents request the county department of social services to find a place for their children, but do not release custody to the department.

Page 28 Relatives can receive foster care board payments only if their home is licensed as a foster home. They may be eligible for Aid to Families with Dependent Children payments, however.

Page 33 Foster children are eligible for Medicaid unless they have some independent income (e.g., a trust fund) that makes them ineligible. Counties, rather than the state, determine whether and how many specialized foster care payments will be made. Title XX funds, which require local match, are used to fund the payments.

Page 52 State policy has never been to remove a child from a foster home if the child and foster parents begin to become psychologically attached to each other. This has been common practice, however, in many counties and may continue to be local policy today.

Page 66 More than 3,000 children are adopted in North Carolina each year, rather than 1,200. About 400 of these are placed by county departments of social services, and 2,600 by relatives, stepparents, or private agencies. The county departments "supervise" about 90% of these adoptions, however, whether or not they initiate the placement.

Page 67 Data shown for adopted children refer only to those placed by county departments of social services. About 3,000 children are adopted each year. Half are male, three-fourths are white, only about 10% are handicapped. Almost half are up to one year of age, and three-fourths are five or younger (compared with the average age of foster children of 11 years). Sixty percent of the adopted children placed by county departments of social services and private adoption agencies are less than one year of age. Less than 20% of the children adopted independently by stepparents and other relatives are less than one year of age.

FOREWORD

As part of its legislative mandate, the Governor's Advocacy Council on Children and Youth is charged with conducting "a continuing review of existing state government programs for children and youth and their families." This report on foster care and adoption is the Council's first major effort to examine a single program in depth.

The Council selected this topic early in 1978, aware of the growing national concern for children "lost in limbo" in the foster care system. Also, the Council felt that children who are without homes and separated from their families should be one of the first priorities of a caring society.

Our concerns were shared by many people in North Carolina, including those responsible for foster care and adoption in the N.C. Department of Human Resources and those actually working with foster children at the county level. Much of the data in this report did not exist before, and had to be gathered specially for the study. It has been the cooperation of many professionals that has made this report possible.

On behalf of the Council, I want to especially thank Walker Reagan, who designed and directed the study.

The Council believes, as its recommendations indicate, that major reform of our foster care and adoption system is needed so that every child in North Carolina can have a permanent home. To do this will require cooperation from professionals, departments, agencies, organizations, the General Assembly, and the Governor. Also, it will require support from the citizens of North Carolina. This report, issued under our mandate "to provide information to the general public and to state, local, and private agencies...on the findings of the Council," is our effort to make the facts known so that changes to improve foster care and adoption services can attract the support needed.

Our goal is for every child in North Carolina to have a permanent home—ideally, a family to care for and nurture him. This is a basic right of all children, and it is within our reach in North Carolina.

Ruby B. Milgrom
Chairperson
Governor's Advocacy Council
on Children and Youth

February 1979

ACKNOWLEDGEMENTS

This report is the final product of the dedicated efforts of many people of diverse backgrounds, all of whom are seriously devoted to making the lives of children better in North Carolina. Some deal with children as parents, as professionals, as volunteers, as staff members of child-service agencies, or as child advocates—and some, of course, fit in more than one of these categories. Although each person who helped in this study may have his or her own personal opinion as to what should be done to improve foster care, all agreed improvement is needed, and all have an overriding desire to make life better for foster children. They have made this report on the status of foster children in North Carolina possible.

Although many people have contributed to making this report possible, special thanks are due to a few people for making it a reality. First, the members and staff of the Governor's Advocacy Council on Children and Youth, chaired by Ruby Milgrom, must be commended for their insight in identifying foster care as one of the most serious children's services problems in North Carolina today, and their interest in bringing to light the inequities and abuses of the system.

The staff members deserve tribute for their personal dedication in tackling a truly mammoth research project that challenged and taxed their lives, and often their families' lives, for six months. John Niblock, staff director, provided the insight and personal commitment to get the project initiated, and is the principal author of this report. Marian Durham and Pam Holland willingly transformed from case advocates and advocacy organizers to researchers and statisticians, giving time and effort that went far beyond a normal work week. Judi Gardner, joining in as the project was in its final stages, submerged herself into it and added a new source of compassion for the lives of foster children.

Above all, chief office manager and secretary, Wynona Williams, and her assistant, Barbara Watkins, provided skilled and efficient secretarial services,

kept track of voluminous files and met impossible deadlines for production of the drafts and redrafts of the study—all while maintaining an already heavy workload. Without their help, this study would never have been completed.

In addition to the full-time paid staff, several volunteers donated numerous hours of research in various areas of study. Robin Winslow, an intern with the Institute of Government, conducted much of the preliminary research on the methodology for the study and is primarily responsible for the cost section of the report and the licensing-file profile of foster parents. Miriam Vinson committed herself as a volunteer to the GACCY for 20 hours a week, for more than 10 weeks, to undertake the most demanding part of the study—statistical analysis of the progress report files for 290 children. Margo Jackson, through her legal background as a GACCY intern from Duke University Law School, conducted much of the research on the role of the courts in foster care, including legal analysis of the judicial review statute. The value of these volunteer services from these three persons would run into the thousands of dollars.

The GACCY members must be thanked for their interest and insight into foster care, and their patience in working through some very complex budget and policy recommendations on foster care and adoption. Special thanks go to Thelma Zaytoun of the Council for her leadership in this area and her dedication to educating herself on the issues involved so that she could best assist the staff and her fellow council members.

Without the patience and assistance of those professionals who deal with foster care daily, this report would not have been possible. At the state level, Sylvia Stikeleather and her staff in the Foster Care Section of the Division of Social Services must be thanked for the time and assistance they gave in designing the study, helping collect data, securing access to local agencies, and their continued dedication to making the lives of foster children better. While not always agreeing with the conclusions we reached, Sylvia

was always most cooperative and understanding of the GACCY's independent role and the independency of the GACCY in this study. Many of the benefits to children that I hope will result from the study should be attributed to the efforts of Sylvia and her staff. In addition, Joan Holland, Sue Glasby, and Robert Ward must be thanked for their helpful advice, and willingness to open doors to support the study.

Their efforts were legitimized and supported by Dr. Sarah Morrow, Secretary of Human Resources, who last spring set permanency planning for children in foster care as a priority in her department.

I also would like to thank the directors, supervisors of children's services, and their staff members in the county departments of social services in the five field-audit counties (Alamance, Cabarrus, Halifax, Person, and Scotland) for their cooperation. They let us intrude into their offices and add to their workloads so we could collect valuable information on foster children and their families that did not exist elsewhere.

Appreciation also must be expressed to the many people who provided us with information for the report—the people who responded to our surveys and questionnaires. In all, 86 county departments of social services, 49 district court judges, 157 foster parents, and 33 natural parents shared their own personal experiences with foster care with us so that a truer picture of foster care could be obtained.

To the many others not named here, our thanks for your assistance in this project.

Walker Reagan

February 1979

EXECUTIVE SUMMARY

1. Before this study was done, much of the basic information about foster care in this report was not available and was not used to guide policy-making on foster care. Most questions raised in this report are not complex. The type of information presented is the kind the state should constantly monitor in order to protect children and operate cost-effectively. A tracking system should be established to provide this kind of information and to prevent children from being lost in foster care "drift."

2. The average child in foster care in North Carolina has spent 40% of his life in foster care, without a permanent home. For a 40-year-old person, this would be equal to 16 years of their life. More than half this time in foster care is being spent without any plan for the child's future.

3. Foster parents are subsidizing the state of North Carolina by $10 million a year through direct, out-of-pocket contributions for the care of the state's foster children. This is about one-third of the total amount spent on foster care in North Carolina, but does not even include the indirect contributions foster parents make through housing, furniture, or income foregone. Foster parents have to pay $1,100 a year more to keep a 16-year-old than they do to keep a one-year-old.

4. The parents of children in foster care are, on the average, 34 years old, poor ($3,150 a year), poorly educated (eighth grade), unemployed (50%), divorced, with many children (75% more than the state average),

with serious problems of their own (13% imprisonment, 13% alcoholic), who have been known to the county department of social services for about eight years.

5. Children in foster care are about 11 years old, have spent four years in foster care, have parents who are poor and divorced, have three brothers and sisters who also are away from home, who have been abused and neglected (50%), or are in need of state care (32%). Many of these children have serious problems of their own (27% medical, 30% emotional, 9% educational). They have been known to the county department of social services for almost six years.

6. Foster parents are one-third older than natural parents, have three more years of schooling, have jobs, are married, earn 40% more income per parent, and have one-third smaller families.

7. The state of North Carolina is willing to pay 150% more to keep a child outside its own home than it is to permit a child to stay at home.

8. The judicial review statute is being only partially implemented (60% of counties) and is being inconsistently applied (four different methods of initiating review, five different methods of conducting the review).

9. The state turnover rate for foster care social workers is twice the rate for foster children. The average child stays in foster care longer than the average foster care worker stays on the job. Starting salaries for foster care workers vary statewide by $4,100 a year.

10. One-fourth of the state's foster care children are being cared for in child-caring institutions at a cost twice that for children cared for in private family foster homes.

11. The state is paying $138,373 a year in institutional grants to private child-caring institutions that are not licensed and have failed to sign civil rights compliance statements.

12. Because of excessively high caseloads, administrative duties, and paperwork, foster care social workers are able to spend only 12½% of their time—an average of 48 minutes a month—on direct, in-person work with each foster child.

13. Once the state has removed a child from his home, it has little contact with the natural parents (more than half never had a visit from the social worker after their child was placed in foster care) and provides few services to help stabilize and reunite the family (e.g., the service most commonly offered, mental health services, reached only 19%).

SUMMARY OF RECOMMENDATIONS

1. A computer-based tracking system for foster care and adoption should be installed in the state Division of Social Services. The system would enable the state to monitor and manage the foster care system by identifying problems that need correcting, and children remaining in foster care unnecessarily long. The tracking system is the key to all efforts to improve the management of the system. The system would cost about $76,500 to install and operate for the biennium and about $25,000 annually to operate thereafter. It would more than pay for itself by reducing the length of stay in foster care in the first year of operation alone.
2. Only when a child is in danger of immediate bodily harm should the child be removed from his home without the county department of social services first offering a minimal level of services to the child and the family. The services should be designed to support the family and prevent foster care placement. Before the child is removed from the family, the court should require the department of social services to show why, despite the use of county services, the child's safety and well-being cannot be provided for in the natural home.
3. Current state policy provides a higher level of funding for foster parents to keep children in their homes than it provides to natural parents under financial stress through the AFDC program. As Walker Reagan notes in his paper, "Permanent Homes for Hard-to-Place Children in North Carolina," "the state fails to adequately assist the family in raising its own child in its own home at a total cost to the state lower than the cost of substitute care. The state of North Carolina will only pay an AFDC mother and her three children AFDC payments totaling about $200 a month, (or $50 each) while at the same time the state under the AFDC Foster Care program will pay up to $420 a month to foster parents for these same three children."

3. (continued)

The state's AFDC eligibility rules and payment levels should be revised to permit children who might otherwise become foster children to be financially supported in their own homes or with relatives at the same rate as foster children. Lack of family financial resources should never be the sole reason for placement in foster care.

4. Most social services caseworkers are overworked, undertrained and underpaid, have no prior social work experience, and stay on the job less than two years. It is patently unfair to them and unwise as a matter of state policy for children to let crucial decisions about the safety and well-being of the child rest with them. The state Social Services Commission should establish standards for removal of a child from his home.

5. In order to protect the child's interests, and to assure that a proper permanency plan is carried out, a guardian ad litem should be appointed by the court in all cases where custody of the child may be removed from the family. This would include mandatory appointment in all child abuse and neglect cases, and mandatory appointment in all dependency cases (but not in divorce cases where custody will be awarded to one parent or the other, or to some family members). The guardian ad litem should serve for the entire period the child is removed from the custody of the natural family, with authority to act for the child in all legal matters.

6. The caseload for many department of social services staff is so large that quality services cannot be provided to the child and his family. This results in longer stays in foster care at a higher cost to state and local governments. A maximum caseload should be set for each foster care caseworker to encourage higher quality service and permanency planning.

7. In addition, high turnover among department of social services staff results in lack of continuity for permanency planning. Increased salary levels,

7. (continued)

training, and supervisory support——in addition to reduced caseloads——should be examined for their potential to reduce staff turnover.

8. Most foster children come into foster care with many complex problems and emotional scars. Most foster parents are not prepared to handle children with special needs. A state program should be implemented to train all foster parents before children are placed in their homes. Periodic refresher sessions should be offered to meet special training needs. Included in any training packet should be a uniform foster parent handbook outlining rights, responsibilities, and procedures for foster parents in North Carolina.

9. Present average board payments cover only 1/3 to 1/2 of the direct out-of-pocket cost of keeping a foster child. In order to reduce turnover in foster parents and to lower the subsidy foster parents must pay from their own funds to keep foster children, the board payment schedule should be increased. The increase should at least cover the direct, out-of-pocket expenses of raising a foster child.

10. Because the cost of keeping a foster child varies by as much as $1,100 a year, depending on a foster child's age, board payments should be graduated to reflect the rising cost of keeping an older child.

11. Because the present board payment for foster care is on a state-county matching basis, low-income counties cannot pay the maximum board rate——even though the maximum covers only 1/3 to 1/2 of the direct cost. Therefore, foster children in low-income counties receive substantially less support than foster children in higher-income counties. The state should guarantee a basic minimum foster care board payment, geared to the ability of the county to share in the minimum payment, with optional rates above this level and up to the maximum matched on a dollar-for-dollar basis.

12. All child-caring institutions should be required to have a state license. Institutions that refuse to sign civil rights compliance statements should not receive any state funds, including the institutional grant-in-aid.

13. Because the cost to the state of keeping a child in a child-caring institution is almost twice that of keeping a child in a foster family home, child-caring institutions should be used only as a last resort, or when the special needs of the child can best be met in a child-caring institution.

14. Because there are not enough appropriate placements for children with special needs, and because many of these children could best be served in child-caring institutions, the state grant-in-aid program should be modified to provide incentive grants to child-caring institutions able to serve children with special needs.

15. The new judicial review law has gotten off to a slow and uneven start. The way the law is applied and its effect on placement of children in foster care——and continuation of children in foster care——varies widely from county to county.

    The law should be amended to provide for a full judicial hearing scheduled by the Clerk of Court.

    A report on the progress of the child's permanency plan should be presented by the department of social services at the hearing.

    The natural family, foster parents, child or child's guardian ad litem, and other interested parties should have notice of, and right to comment at, the hearing.

    The amendment also should clarify the standards to be used in conducting the review of the child's placement. These should include services offered to reunite the family; where the child's return home is unlikely, efforts that have been made to evaluate or plan for other methods of care; goals of the foster care placement and appropriateness of foster care plan; reports on

15. (continued)

the placements the child has had and services offered to the child and foster parents; efforts to place the child in a permanent situation; a new foster care plan (if continuation of foster care is sought) that addresses the role the current foster parents will play in planning for the child; and a discussion of if and when termination of parental rights should be considered.

16. Each child removed from his natural family should have a permanent placement plan prior to, or within 30 days of, removal from the home. This plan should provide for permanent placement within six months by returning the child home or by placing the child with an adoptive family. It should include a schedule of services to be provided to the child and natural family for carrying out the permanency plan. Where possible, a contract stating the obligations of the natural family and of the department of social services should be developed to indicate conditions for returning the child to the natural family.

17. In order to encourage counties to move as quickly as possible in finding a permanent home for children, the state board payment should be graduated downwards at the rate of 10% a month for every child that has been in foster care more than 18 months.

18. Many counties find their efforts to free children for adoption frustrated by the lack of adequate legal services to terminate parental rights. This occurs even when the termination will not be contested. Because this is a specialized area of law that does not occur in every county with constant frequency, a task force of attorneys should be employed on a regional basis to assist counties in handling termination cases.

19. The termination of parental rights law, because of its vagueness and lack of standards, results in uncertainties and delays in permanency placement. This contributes to longer stays in foster care. The law should be amended to

19. (continued)

clarify the standards and circumstances under which parental rights can be terminated, with the presumption that parental rights are forfeited if a child remains in foster care for one year or longer.

20. Most of the children remaining longest in foster care have been denied permanent homes because they are considered "hard to place" or "unadoptable." This may be because of age, race, or handicaps. Most of these children can be placed in permanent homes through special placement efforts and use of adoption subsidies. The cost to state government would in the long run be reduced considerably, and the children would benefit from a permanent home. A special effort to find permanent homes for "hard to place" children should be launched. Also, the adoption subsidy should be expanded in funding and scope to remove financial barriers that might discourage permanent placement.

21. Lack of a statewide clearinghouse listing children freed for adoption and potential adoptive parents results in many children remaining in foster care for longer periods of time. A statewide adoption clearinghouse should be established to disseminate a loose-leaf catalog of children freed for adoption, with pictures, and of potential adoptive parents. The catalog should be updated monthly and made available to all county Departments of Social Services and state-licensed private adoption agencies.

22. Foster parents should always be given consideration as adoptive parents. They should be given priority over any other equally qualified potential adoptive parents. No child should be placed with foster parents who could not also qualify as adoptive parents——unless the special needs of the child require the services of special foster parents. Any foster parents who are unable to adopt for financial reasons should be given an adoption subsidy.

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I. FOSTER CARE AND ADOPTION IN NORTH CAROLINA: AN OVERVIEW

Foster care has its roots in the apprenticeship provision of the English "poor law" of the late 16th century. Poverty was a crime, and children of paupers were taken away from their families and placed in apprenticeships. Here they received meals and lodgings and learned a trade while doing useful work for the master or mistress. A second option, the "workhouse," soon developed. This was a residential institution for aged, crippled, mentally ill, and youthful poor people, who worked under harsh conditions to "earn their keep."

Apprenticeships declined after the industrial revolution, when steam power made apprentices unnecessary and public indignation over their working conditions led to child labor laws. Children continued to be placed in foster homes, however, and were expected to earn their keep—but without a formal apprenticeship contract. In the 1890's, organizations such as the Children's Aid Society of New York placed thousands of children from crowded East Coast slums into free homes in the small towns and farms of the Midwest. Workhouses disappeared, replaced by "orphan asylums" with rows of dormitories and strictly regimented atmosphere.

Today, foster family care is designed to be a temporary substitute living arrangement for children until their parents can care for them again, or until they are freed for adoption and find a new permanent home with another family. Orphan asylums have become "child-caring institutions," designed to serve those children with special needs who cannot be placed in a regular foster family home. They have become smaller (by 1960, institutions with more than 50 children had practically disappeared in the United Kingdom), less regimented, and with a family rather than institutional atmosphere. Despite these changes, foster care still remains vaguely tainted in the public mind with images of the apprenticeship and "orphan asylum" days. Foster families and child-caring

institutions receive a "board payment" intended to reimburse them for the out-of-pocket-costs (food, clothing, etc.) of keeping the child. Institutions also receive a state grant for each child placed with them who is under custody of the state. All foster children in North Carolina are automatically eligible for Medicaid, which pays the cost of medical care. Foster children become adults at age 18 and then are "on their own" unless they are in school or college.

In North Carolina, there are about 10,000 children known to be in foster care each year. This is less about one percent of all children under age 18. About 8,000 are in foster family homes each year; 2,000 in child caring institutions and group homes. An additional 2,000, it is estimated, are in foster care each year under private voluntary arrangements between parents and institutions or county departments of social services. State records tend to follow dollars rather than children, so the number is only a rough estimate.

The 10,000 "known" foster children in North Carolina are almost evenly divided by race and sex. Their average age is 10½ years, and half are 11 or older. The number of foster children has remained about the same over the past five years, but the average stay in foster care has increased. The proportion of children remaining in foster care five years or more has tripled from 5.4% in 1973 to 17.4% in 1978. For almost two-thirds of a sampling of children surveyed in fall 1978, the long-range plan for the child was "long-term foster care."

Direct payments and administrative costs for foster care in North Carolina total about $20 million a year in federal, state, and county funds, with foster parents contributing another $10 million:

Board Payments	$ 8.2 million
Medicaid	1.7
Specialized Foster Care	3.0
Institutional Grant-in-Aid	2.8
County Administrative Costs	4.3
State Administrative Costs	.13
Foster Parent Contributions	10.0
	$30.13 million

State Role

State-level responsibility for foster care and adoption in North Carolina is assigned to the Division of Social Services in the Department of Human Resources. The division and the Commission on Social Services set rules, standards, and policies; provide training, technical assistance, and consultation; and monitor and evaluate programs. The division licenses adoption agencies, group homes, and child-caring institutions directly. Foster homes are licensed and prospective adoptive parents are approved by the division based on information submitted by the county departments of social services.

Adoption. Adoption services are offered in each county by the department of social services, and statewide by private adoption agencies licensed by the State Division of Social Services. The state adoption unit and the four regional consultants establish guidelines regarding adoption, provide consultation on adoption laws to attorneys and courts, keep records on all completed adoption proceedings, monitor interstate adoptive placements, and maintain the state Adoption Resource Exchange. In addition, the state unit manages and determines eligibility for the adoption subsidy, assists private adoption agenices in meeting licensing standards, provides consultation to county adoption workers, and maintains liaison with the Adoption Resource Exchange of North America.

North Carolina laws require that adoptive parents must be over 18, must have lived in the state for six months (unless they are adopting a stepchild or relative), and must have their spouse join the petition unless the spouse is a natural parent of the child.

Foster Care. Foster care placements for children receiving the state board payment are reviewed twice a year by the division through "progress reports" filed by the county department of social services having custody of the child. These reports are designed to indicate whether or not the foster care placement continues to be appropriate for the child, what the immediate and long-range plans are for the child, and what services the child needs. Placements for

adopted children also are reviewed by county departments of social services when this is specifically ordered by the court granting the adoption. Four regional offices have consultants who assist county staff with all social services programs, including foster care and adoption.

Under North Carolina's "state-administered, county-operated" system of government, counties determine what level of foster care and adoption services will be offered. The state sets standards, provides technical assistance, and monitors for compliance. It has no enforcement power other than the power to cut off state and federal funds.

Funds for foster care in North Carolina are administered by the division, which provides state and federal funds to supplement county funds for foster parents, group homes, child-caring institutions, and adoptive parents. Most funds for foster care are provided through two separate programs: the State Foster Home Fund (SFHF) and the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program. Both are county reimbursement programs providing state and federal funds to counties for varying percentages of the county's foster care board payment.

The AFDC-FD program is available for children whose families qualify for regular AFDC support payments and whose foster care placement is court-ordered. Federal AFDC IV-A funds provide about 64% of the maximum payment of $140 a month, and state and county funds provide about 18% each. About 40% of the state's foster children are funded through AFDC-FC.

The State Foster Home Fund covers most foster children in the state, more than 60% of the total. Using primarily state funds, the division will pay half of the board payment, up to a maximum of $62.50 a month. Many counties do not put up their full share, while others use local funds to pay more than $125. Average county board payment in the state is about $114 a month, ranging from $80 a month in one county to $175 in another. Counties can charge parents who are able to pay under both the AFDC-FC and SFHF programs, and use these funds to reimburse the public funds spent. In October 1978, SFHF

payments totaling $364,833 were made to 93 counties for 3,376 children—an average payment of $108. AFDC-FC payments totaling $256,700 were made to 91 counties for 2,029 children—an average payment of $126. Although the reason for the difference is not clear, children funded through the AFDC-FC program tend to remain in foster care significantly longer than children under the SFHF program. About 23% of the AFDC-FC children have been in foster care five years or more, compared to only 14% of the SFHF children.

The AFDC-FC board payment includes $15 a month for clothing and incidentals. For SFHF children, county departments are required to provide county funds to pay for other necessary costs of foster care such as clothing and medical care.

Foster parents who have had training to care for handicapped children can receive an additional $150 a month, over and above the board payment, for "specialized foster care." This subsidy is provided through federal Title XX funds and requires 25% county matching funds. No formal statewide training program for specialized foster care exists. Individual counties may or may not have training programs for specialized foster care. Many, in fact, have parents who qualify already because of their professional training as nurses, special education teachers, etc. The incidence of handicapping conditions is about 15% in the population at large, which would suggest there are at least 1,500 foster children with handicaps in the state. This is a conservative estimate, because foster children are more likely to have special needs than the population at large. There is no information available at the state level on how many foster parents are providing specialized foster care, but the Title XX funds used in 1977-78, $3.03 million, would cover about 1,680 children throughout the year.

County Role

County departments of social services are the only child placement resource available in every county in North Carolina. They are exclusively responsible

for placement and supervision of children in foster care. State laws require that counties be responsible for all children who need 24-hour-a-day care away from their own homes.

For court-ordered or voluntary placements, the county staff may use relatives, foster homes, group homes, child-caring institutions, special treatment facilities, special schools, inter-state placement, or adoptive parents. While the child is in placement, the staff supervises the situation and works with the natural parents to help them make a home to which the child can be returned or, if this is impossible, seeks to free the child for adoption and find adoptive parents. County staff also are responsible for recruiting foster parents and adoptive parents. In addition to placement services, counties can offer other supportive services to families such as homemaker services, day care, food stamps, financial assistance, etc. All foster children are automatically eligible for Medicaid, which provides free medical and dental screening and treatment.

Although placing custody with a foster family or group care institution, the county retains legal control of the child and must approve all plans for the child including visits with relatives, vacation trips, visits with natural parents, etc. They can remove the child from the foster care placement at any time.

Family Foster Homes

There are about 3,000 licensed foster family homes in North Carolina. They are evenly divided among urban and rural areas. Most foster parents are between 30 and 50, have at least a high school education, and have family incomes at or above the state median income level ($11,700 a year for a family of four). They have raised an average of two to three children of their own and still have one of their own children at home, in addition to an average of two foster children. About 62% are white, 35% black, and 28% Indian. More than three-fourths are in their first marriage, and 90% are two-parent families. In about

half of the two-parent families, the foster mother works outside the home.

Child-Caring Institutions

Formerly known as "orphan asylums" or orphanages, child-caring institutions are private, nonprofit residential institutions caring for "10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from their own home and not held in detention."

There are 26 institutions in the state, most operated by religious denominations or fraternal groups. They enroll about 2,000 children, of whom about two-thirds are wards of the state.

During the course of the year, they serve almost 3,000 different children. The children they enroll are generally older (an average of 13.4 years vs. the state average for all foster children of 10½ years) and stay longer (an average of 32 months vs. the state average "per stay" for all foster children of 28 months). Most of the institutionalized children have both parents living (70%) or one parent living (25%). Only about five percent are orphans. The average yearly cost per child in the institutions is $6,161, compared to the foster family cost of $3,265 (although the average board payment is only about $1,400).

Like foster parents, the institutions receive regular board payments from counties who place their children with them. In addition, they receive an "institutional grant" for each child who is a "ward of the state."

Although the Department of Human Resources has legal responsibility for licensing child-caring institutions, the current law exempts 19 of the 26 institutions from licensing. All but two of the 19 institutions, however, are voluntarily complying with licensing regulations. The non-licensed institutions, like all others, continue to be eligible for the state institutional grants.

Role of the Courts

The 126 District Court Judges in North Carolina hear all child custody cases and determine who will have responsibility for the child. They also hear

cases to terminate parental rights and free children for adoption, as well as hear all adoption petitions. None of the judges handles only juvenile and family court cases, though a handful do hear all such cases that come before their district courts. Most judges rotate through criminal, civil, and other courts within their districts,and spend only a fraction of their time hearing child custody cases.

A 1977 law requires judges to review custody placements after six months, and annually thereafter. Purpose of the law is to ensure that placements are evaluated regularly to see that they continue to be in the best interests of the child.

Another 1977 law encourages judges to appoint guardians ad litem to represent the child's interests in all cases where child abuse and neglect is alleged (unless the judge specifically rules no guardian is needed). Guardians ad litem are lawyers who volunteer to take these cases, and are paid in the same way as lawyers for the indigent. Guardians serve as an adjunct to the judge, making their own investigations into the case with legal powers that transcend the lawyer-client, husband-wife, doctor-patient, and department of social services-client relationships.

Information Needs

What is the magnitude of the foster care "drift" problem in North Carolina? What will it cost to do something about it? Until the data from this report became available, no one knew. While it was known how many foster children were receiving board payments, no one knew where they were, why they were in foster care, or how long they had remained. No one knew how many county social services foster care and adoption workers there were, or how many children were receiving specialized foster care.

Many professionals in the system, at the state and local level, felt they had a good idea of what was happening. But no one had precise data, no one

could chart the cumulative effect of the present foster care program on children. No one could say what it was costing to maintain it.

A statewide tracking system is needed to monitor and manage the state's foster care program. This is central to all other efforts to improve the program, and should be a top priority. A computer records system could quickly report how long children are staying in foster care, when they are freed for adoption, how often they are moved from one foster care arrangement to another, what handicaps—if any—the children have, and where they go when they leave foster care.

Special efforts could be made at the state and county level to find permanent homes for children remaining in foster care for no good reason. Many other states are using similar systems, and they have been successful in reducing foster care "drift." The cost of this type of system would be about $50,000. Once installed, it could be operated at an annual cost of about $25,000. This would be a modest cost compared to the expense of foster care "drift." If during the first year, for example, the tracking system reduced the average length of stay by only five percent—about 36 days—the state would save $137,000 in the state share of board payments alone. Total savings for federal, state, and local governments would exceed $2 million.

RECOMMENDATION

A computer-based tracking system for foster care and adoption should be installed in the state Division of Social Services. The system would enable the state to monitor and manage the foster care system by identifying problems that need correcting, and children remaining in foster care unnecessarily long. The tracking system is the key to all efforts to improve the management of the system. The system would cost about $76,500 to install and operate for the biennium and about $25,000 annually to operate thereafter. It would more than pay for itself by reducing the length of stay in foster care in the first year of operation alone.

II. HOW THE STUDY WAS DONE

The purpose of this study was to determine why children are placed in foster care, what happens to them while they are in care, and how they leave foster care. Many of the procedures used were modeled on an earlier study conducted in Massachusetts by Alan Gruber. Many of the analyses were made from statistics and information collected by the state in administering the foster care and adoption program. This information was checked independently for accuracy. When information did not exist, surveys and field studies were conducted to collect this information.

A preliminary field survey was conducted in five counties to get an overview of how the foster care system was administered. The result of this survey was used to design the remainder of the study. Computer statistics from monthly reimbursement reports were used to give a general profile of children in foster care. Additional information collected and stored in the computer, but not being used, was analyzed after a special computer run was made.

A profile of foster parents was prepared on the more than 3,000 foster homes. Three hundred files were selected at random by taking every 12th active license from an alphabetized sequence. A representative cross-section was obtained, with foster parents from about 75 counties. The names and addresses of the foster parents studied were collected and this list was used to mail questionnaires to foster parents.

Of the 300 foster home files studied, foster parent questionnaires were received by 296 homes, or a total of 582 parents. This questionnaire was designed to obtain profile information on foster parents, the histories of their foster children, and their opinions on the foster care system. An exceptionally high return rate of 57% was obtained on this mail questionnaire.

An analysis of foster children was conducted by a study of 296 progress report files. These are six-month reports which must be filed by counties to

qualify for state foster care funds. A representative cross-section of the foster children was obtained by selecting every 30th file. The files are maintained by county, according to the date the child entered foster care. Children from 78 counties were in the survey. The report contains profile information on the child plus a narrative summary of the child's case for the previous six months.

In order to collect background information on the natural parents of foster children and to obtain information not contained in progress reports, it was necessary to do a study of the complete file on each child maintained at the county department of social services. A representative cross-section of the foster care population was obtained by selecting five counties, with a urban-rural balance, whose combined foster care population as closely as possible resembled the overall state foster care population on the basis of age, race, and length of stay. A total of 326 children's files were analyzed, obtaining background information on the child and his natural parents, and the county department of social services' interaction over time with both. The files were reviewed by the CACCY staff in the DSS offices in Alamance, Cabarrus, Halifax, Person, and Scotland counties.

The names and addresses of the foster child's natural parents were obtained where possible from this county field survey. Addresses were obtained for 119 parents, 98 of whom received the natural parent questionnaire. The natural parents questionnaire was used to confirm background information obtained from the county files and to gather opinions of natural parents. Thirty-two questionnaires were completed and returned—a 28% response rate for those with correct addresses available. (A similar study in Massachusetts conducted by Alan Gruber was able to locate and interview about 27% of the natural parents whose children were involved in that study).

A cost study to determine the actual out-of-pocket cost to foster parents of keeping foster children was modeled on a 1976 HEW study, How to Measure the

Cost of Foster Family Care, adjusted by Consumer Price Index figures on the cost of living for North Carolina for 1978. It was particularized for the average standard of living of foster parents and the average family size of North Carolina foster families.

In order to determine what role the courts were playing in foster care, and what issues they considered important in foster care and adoption, a questionnaire was mailed to all 126 district court judges. Forty-nine questionnaires were returned, a response rate of about 39% . The questionnaire was designed to determine what procedures judges were using and what criteria they considered important in removing a child from his or her home, in conducting judicial review, in the termination of parental rights, and in the appointment of guardians ad litem.

A survey was mailed to all 100 county departments of social services to determine the characteristics of their foster care staffs and their procedures. A total of 86 counties responded. Characteristics were totaled and statewide averages were calculated.

Because about one-fifth of all foster children are cared for in child-caring institutions, a study of children in these institutions was necessary. An analysis of computer statistics maintained by the Duke Endowment was conducted to compare the population in child-caring institutions to the overall foster care population. Also, an analysis of the cost of foster care in child-caring institutions was made to compare the cost of care in foster homes against the cost in institutions.

The results of the licensing file survey and the foster parent questionnaire were compared to see if the parents who answered the questionnaire were representative of all foster parents. Due perhaps to a high return rate of 57%, there was close correlation (within 5% on all items) with the entire 300-home sampling. Those responding to the questionnaire tended to be parents with

foster children in their homes at the present. The licensing file survey indicated 31% of all licensed homes did not have foster children in them; only 17% of those responding to the survey did not have foster children at this time. The questions about judicial review on both the judges' questionnaire and the county department of social services questionnaire were compared to cross-check the responses and determine when and where certain legal procedures were being used. The results of the county field survey, the progress report study, and the computer printout were compared to see how representative the samplings were. In all cases where the same information was collected at both the state level and county level, an analysis was done to see how well the state statistics represent the true situation found at the county level.

The natural parents reponding to the questionnaire were within five percent of the natural parents studied in the five-county field audit on age, race, number of children and number of children at home. They were slightly better-educated than the parents in the five-county audit, however, and more often tended to have higher incomes, be married, and be employed. Fifty-nine percent said they received no services before their children were placed in foster care, compared to the 36% in the five-county audit who had received no services.

The foster children studied in the five-county audit tended to be representative of the entire state foster care population, based on statewide data prepared in August 1978. They were within five percent of the statewide data in terms of age, sex, and race. Length of stay data showed discrepancies, however. Their average length of stay was 3.89 years. This correlates strongly with data from the sampling of 290 children's progress reports, which found an average length of stay of 3.9 years, but contrasted with state computer data.

The average length-of-stay for children in foster care for 1978, according to computerized case profile sheets, was 2.3 years. A special computer run for August, 1978 showed the average length-of-stay to be 2.38 years. These figures, the ones relied on by state foster care policy makers, differ significantly from

other, more realistic, figures. The progress reports sampling of 296 case files, for example, indicated the actual total time a child is out of his home is closer to 3.9 years. This closely corresponds to the field audit average of 3.89 years.

This discrepancy between 2.3 and 3.9 years is caused by several factors. The computer statistics are based on reimbursement data. These forms reflect only the child's most recent removal from his own home. In some counties, the date for removal from home is reported as the date of placement in the most current foster home. Time in previous foster home placements is not reported, and the length of stay, therefore, is understated.

Under the computer program, if a child leaves foster care his care period ends. If he returns to foster care, the computer considers him a "new" child. Also, in some counties the date only runs from the time the child came under a particular funding program.

The confusion is caused by the design of the computer program, the design of the forms used, data collection methods, and a lack of clarity at the county level as to exactly which information should be reported.

In all cases where averages were calculated, the average was taken by summing the results of the middle value for each category, multiplied by the percentage of the total each category constituted. This was done for all ages, lengths of time, and incomes. For some questions, "does not apply" was a category. Also, some respondents did not give an answer for each question. Where this occurred, the percentage these non-responses constituted of all responses was first calculated. Non-responses were then subtracted from the total answers, and the percentages were figured disregarding non-responses. For those questions where multiple answers were given, the percentage was calculated as the percentage of those responding that gave each answer.

The major shortcoming of the analysis of the data collected is the lack of complete correlation analysis on the various studies. This analysis will be

done, it is hoped, in a follow-up study.

An Appendix to this report, with copies of the questionnaires used and detailed data for each component of the study, is available from GACCY.

Walker Reagan

February 1979

III. WHAT HAPPENS BEFORE FOSTER CARE

Family Influence

The family is the first and most fundamental influence on the child. Its influence is pervasive, lasting throughout life. Thomas Wolfe said we can never go home again, but the other side of that coin is that we can never really leave home. We all come from families, and live our lives in relation to them. Family influence can be seen in early childhood, when family background can in large measure predict the child's success or failure in school. Later, in adolescence, the child's educational and occupational goals can be predicted, in large part, from the attainments of the child's parents.

The child gets his signals about life from his family. If those signals are not clear, not understood, or do not have meaning, then nothing else will help much. The way state and local agencies arrange what they call services is never going to be the basic solution to things. Strengthening the family should be the central thrust of all efforts to help children and young people.

All children need food, clothing, shelter, and medical care—the basics of life. But they need more than that. They need a reason to live. They need faith in themselves, in their families, in their community. They need adults fit to be loved, and fit to be imitated. They need adults who have what Urie Bronfenbrenner calls "an irrational commitment" to their well-being.

A Profile of Natural Parents

If the family is the basic living unit in society, and the primary force in guiding the child into his place in society, it is frightening to realize that about 10,000 children in North Carolina are removed from their families each year and placed into foster care. This is a group of "displaced persons" equivalent in number to the population of Asheboro.

Why can't these children remain with their families? What are these families like? What happens in the family before and after the child is placed

in foster care? Is foster care a way to rehabilitate and strengthen families or does it only create more problems for families?

There are no statewide data available on families of foster children, so the GACCY staff and volunteers visited five county departments of social services in fall 1978 and read the entire case files of more than 300 foster children. Among the information gathered was data on the families of these children.

The average age of natural parents was about 34 years. Most had completed, on the average, eight years of school. Most of the mothers were unemployed, and a third of these who did have jobs were in unskilled work. About a third of the fathers were unemployed, disabled, or retired. Half of these with jobs were in unskilled work. Racially, more than half were white, 40% were black, and 5% were Indian.

With only an eighth-grade education and either no job or a very low-level, unskilled job, it is not surprising that natural parents are below the poverty level (currently about $500 a month or $6,000 a year for a family of four). Two-thirds of the mothers had incomes below $200 a month, and most of the fathers earned less than $400 a month.

Most foster children whose records were reviewed came from broken homes or were born out-of-wedlock. Less than 10% of the natural parents were still married to each other. Only 10% of those married when the child was born, and then divorced, have remarried. Overall, about a fourth are currently married and more than half are not. Fewer than 10% of the natural parents are dead.

Families with children in foster care tended to be larger than other families. When brothers and sisters of the foster child and children by any other marriages are included, the average family had three and one-half children (compared to the current state average of about two children per family). Most families with children in foster care had four or more children, and 20% had six or more. About a fourth of the children were preschoolers, about

a fourth were 17 or older, and half were school-age--six to 16 years old.

Very few of the natural parents had children living with them in their home. Two-thirds of the mothers and three-fourths of the fathers had no children living at home. Almost two-thirds of the children living away from their natural parents were in foster care. Fewer than 10% were living with relatives, and 16% were living on their own.

The typical parents of a child now in foster care, then, have several strikes against them. They are poor, ill-educated, have a larger-than-average number of children they are responsible for, are unemployed or marginally employed, and are now divorced or separated. They are in their late 30's, in the 35-45 period Gail Sheehy calls "the deadline decade." This is the age when adults see "the dark at the end of the tunnel." They realize they are growing old, and that their early aspirations may not come true. It is during the "midlife crisis" that divorces most often occur, that bonds between parent and spouse and parent and child are most fragile. The midlife crisis, on top of other severe problems like poverty, makes these parents a "high-risk" group.

Reasons for Placement in Foster Care

The problems in the family that eventually led to foster care for their child or children are varied. They run the gamut from grinding poverty to murder, arson, and suicide.

One unmarried mother, thought to be mentally retarded, did not wash her infant son's diapers. She merely rinsed them in ammonia, hung them up to dry, and then put them on him again. The child suffered a severe rash and burns from the ammonia and had to be hospitalized for skin grafts on his buttocks and genitals. The mother still reappears intermittently at the county social services office, asking to have her baby back. The child is now a teenager and remains in foster care.

One young couple left their two preschool children alone for long periods of time. The social worker found the children sitting on the porch floor, surrounded

by empty beer cans, scooping corn out of a cold tin can with their fingers, their bodies covered with insect bites. The children were hospitalized for malnutrition and dehydration. They remain in foster care while their parents work toward fulfilling a contract with the local department of social services for return of their children.

Child abuse and neglect is the major reason children are placed in foster care. About half the placements were made for this reason for the 326 children studied in the five-county field audit.

The other major reason was "dependency," where the child was taken away from the family because it was unwilling or unable to care for him. These findings are confirmed by data from three other sources.

In a survey of the 126 District Court Judges in the state, to which 49 replied, the judges responding indicated that abuse and neglect was the most serious problem requiring the removal of the child from his home. The second major reason they cited was alcohol abuse by the parent. More than half of the judges responding to the survey felt foster care placement could be prevented by parent training and counseling.

A survey of progress reports for 290 children in foster care in 78 counties found that 47% were placed in foster care because of abuse and neglect. Other major reasons were dependency (32%) and delinquency (6%).

A survey of about 300 foster parents, with more than half responding, asked them to give their opinions on why their foster children could not live with their own families. Almost half gave abuse and neglect as the reason. Other major reasons given were "parents temporarily unable to provide care" (18%), abandoned (8%), and undisciplined or delinquent (7%).

The natural parents gave different reasons, although the sampling was small (32 respondents) and those replying tended to have slightly higher incomes, educational levels, and marriage rates than all parents in the five-county field audit. When asked why their child was placed in foster care, only 13% of the

parents cited child abuse and neglect, and 16% said they "do not know." Most gave reasons relating to inability to care for the child, however.

Most prevalent responses were "unable to provide care" (19%), imprisonment (13%), divorce or separation (13%), and alcohol or drug addiction (13%).

The most common reason children are placed in foster care, then, is because parents are unable or unwilling to care for them. This is largely because of problems in the parents' lives, such as poverty, alcohol abuse, and divorce, rather than because of the child's behavior. It is just something that happens to the family, and therefore affects the child.

Services to the Family Before Foster Care

The records of the 326 children in the five-county field audit indicate that most families who have children placed in foster care have been known to county departments of social services for a long time. The initial contact may have been for financial assistance or some reason not related to the children. On the average, the initial contact was made more than eight years ago, or more than four years before the child was placed in foster care. For these children, it could be said that the four years of work of the county department of social services failed, in that it did not prevent the child from being placed in foster care.

On the other hand, for some children, family incidents such as abandonment or imprisonment made foster care necessary. Also, although the figure is impossible to determine, it can be assumed that the department's help prevented other children from being placed in foster care. These successful cases, of course, do not show up on the records.

In about half the cases, the parent or parents came in to the local social services office of their own accord to seek help. About a fourth were referred by relatives or friends, and about a fourth were referred by doctors or police officers, or were reported for child abuse. The three major reasons for the contact were "seeking financial assistance," "parent problems in child-raising,"

and "physical child abuse and neglect."

What services did families receive from local social services offices to prevent placing the children in foster care? The field audit indicates very few services were provided, and those that were reached, at best, only 21% of the families. The most common preventive services provided were Aid to Families with Dependent Children (AFDC) income support payments (21%), medical care (15%), and mental health treatment (11%).

Services designed to help parents deal with child-raising problems were rarely offered. These included parenting counseling (7%), child abuse counseling (5%), marriage counseling (1%), and day care (3%). It should be noted that many counties simply do not have the kinds of services available that are needed.

The survey of natural parents, although a small sampling of only 32 parents, confirms the five-county field audit picture of few services to the family before foster care. More than half (53%) of the respondents said they received no services at all. Those who did listed AFDC (28%), medical care (16%), and mental health treatment (13%) most frequently. None indicated they received parenting counseling, child abuse counseling, or alcohol-drug abuse services before the child was removed from their home.

When asked what services could have made it possible to keep their children at home, the parents listed most often services to provide financial assistance. These included food stamps, AFDC, job placement, financial counseling, and housing assistance. Only six percent said nothing could have prevented removal of their child.

The parents gave a unified response to the question in the survey that asked what would have prevented the placement of their children in foster care. Fifty-seven percent strongly agreed with the statement "The placing of my children in foster care could have been avoided had the Department of Social Services offered or tried to help earlier."

It appears, then, that although local county departments of social services have been working with at-risk families for several years before their children are placed in foster care, the services they provide are scanty and not directed at the greatest needs of the family. Other probable factors, such as the caseloads and staff turnover among social services workers, will be discussed later in this report.

In their 1972 book, Dollars and Sense in the Foster Care of Children, David Fansel and Eugene Shinn observe that the fact that "funds can be more easily spent on substitute care arrangements than for the restoration of families is probably the most irrational aspect of the foster care system." This irrationality is alive and well and living in North Carolina in 1979.

RECOMMENDATIONS

1. Only when a child is in danger of immediate bodily harm should the child be removed from his home without the county department of social services first offering a minimal level of services to the child and the family. The services should be designed to support the family and prevent foster care placement. Before the child is removed from the family, the court should require the department of social services to show why, despite the use of county services, the child's safety and well-being cannot be provided for in the natural home.

2. Current state policy provides a higher level of funding for foster parents to keep children in their homes than it provides to natural parents under financial stress through the AFDC program. As Walker Reagan notes in his paper, "Permanent Homes for Hard-to-Place Children in North Carolina," "the state fails to adequately assist the family in raising its own child in its own home at a total cost to the state lower than the cost of substitute care. The state of North Carolina will only pay an AFDC mother and her three children AFDC payments totaling about $200 a month, (or $50 each) while at the same time the state under the AFDC Foster Care program will pay up to $420 a month to foster

parents for these same three children."

The state's AFDC eligibility rules and payment levels should be revised to permit children who might otherwise become foster children to be financially supported in their own homes or with relatives at the same rate as foster children. Lack of family financial resources should never be the sole reason for placement in foster care.

IV. TAKING THE CHILD AWAY FROM THE FAMILY

Who Decides?

The five-county field audit of 326 foster children indicates that the vast majority of foster children—more than three-fourths of the total—are removed from the family at a hearing in district court where the judge orders custody of the child to the county department of social services. Another 12% are placed in foster care through "boarding home agreements" wherein parents voluntarily turn custody of their child over to the county social services department or to a child-caring institution.

In almost half the cases reviewed, there was no indication that any alternatives to foster care were considered by the social services department. Where they were considered, they most often were placement with relatives, supervision of the child in his own home by a social worker, and financial support to the family. In only 20% of these cases was parent counseling considered as an alternative; in only three percent, day care.

The survey of 290 progress reports confirms the data on custody. More than three-fourths of these children were in the custody of the department of social services, with nine percent under a boarding agreement and seven percent "wards of the court."

When district court judges were asked what factors were most important in the decision to remove a child from his family, the judges responding to a survey cited the physical safety of the child as the major issue. They said the financial situation of the family was the least important issue. When asked who they relied on most heavily for advice and information in making the custody decision, the judges indicated it was the social worker and the guardian ad litem.

The sources of advice and information they relied upon the least, the judges said, were the child and the natural parents.

Almost half of the 32 parents responding to a questionnaire said they were not given a true picture of foster care before their child was placed in foster care. An additional 33% said foster care was not even discussed with them. It would, of course, be difficult at the court hearing for these parents to agree or disagree with the contention that foster care is the best decision for their child when they do not know anything about it.

Perhaps the most obvious need is for standards to indicate when county departments of social services should ask the court to remove a child from his family. Today, there are none. Each county social services department sets its own or, failing that, it is left to the judgement of the individual worker. Horror stories abound where children were killed because social workers, with only instincts to guide them, took the course of least resistance for themselves and the course of greatest danger for the child. These horror stories were largely responsible for the 1977 Guardian Ad Litem law.

Guardian Ad Litem

In 1977, the N.C. General Assembly passed a Guardian Ad Litem law that provided independent legal representation for the child in cases where child abuse or neglect was alleged. The attorneys volunteer to serve and are paid like attorneys for indigents. Although the law states that guardians must be appointed in all cases unless the judge specifically rules a guardian is not required, the N.C. Attorney General's office has ruled that the law is mandatory, requiring an appointment in all cases.

The guardians serve as investigative arms of the court, with powers to obtain information that transcend the doctor-patient, husband-wife, lawyer-client, and department of social services-client rules of confidentiality. Their charge is to study all aspects of the case and make an independent recommendation to the court on how the best interests of the child could be upheld. Because this role goes far beyond the normal function of attorneys for the

indigent, special training on the responsibilities of the guardian ad litem has been conducted for judges and attorneys in each judicial district by the Administrative Office of the Courts.

Since about half of all foster children are placed in custody on the basis of child abuse and neglect charges against their parents, guardians ad litem should be an important element in the decision to place children in foster care. A survey of district court judges, however, found that 37%—despite the Attorney General's Office ruling—do not appoint guardians in all child abuse and neglect cases.

Those who do not appoint a guardian in all abuse and neglect cases said this was because they themselves as judge, or the department of social services, represent the child's interests. Fewer than three percent of the judges responding said they did not appoint guardians because they were not worth the expense.

More than two-thirds of the judges surveyed said they appointed the guardian when the petition for a court hearing was signed. Others made the appointment when the case was referred to the court or when the hearing was held. None waited until after they had ruled on the case. Ideally, of course, the appointment would be made no later than when the petition was signed.

There was greater diversity among the judges on the length of appointment for guardians. The law encourages appointment of guardians beyond the date of the custody decision so they can advise the court on how well the placement is working out for the child, and whether or not it is still appropriate.

About half the judges responding said they appoint guardians only until the case is decided. The remainder made appointments for the entire time the child was away from the home or for an indefinite period. When the judges were asked if they would favor appointments continuing throughout the time the child is away from his home, more than half agreed. An additional 11% favored this if funds were available. About one-fourth said they opposed this.

Guardians are playing a very important role, according to the judges survey. A third said guardians are essential, and another third said they were helpful. Less than a fourth said the guardians were helpful but not worth the cost, and less than three percent said the guardians have no effect on court decisions.

The average fee per case for guardians is estimated to be about $100, and 83% of the judges surveyed said cost is not a factor in deciding whether or not to appoint a guardian. Thirteen percent said cost is a slight deterrent, and fewer than three percent said it is a strong deterrent.

Because the guardian ad litem law is new, evaluation of its impact is difficult. Indications are that judges find the guardians helpful. Certainly, as other sections of this report attest, there is a crying need for some disinterested person to have a voice in custody decisions and placement evaluations so that the best interests of the child are represented.

RECOMMENDATIONS

1. Most social services caseworkers are overworked, undertrained and underpaid, have no prior social work experience, and stay on the job less than two years. It is patently unfair to them and unwise as a matter of state policy for children to let crucial decisions about the safety and well-being of the child rest with them. The state Social Services Commission should establish standards for removal of a child from his home.

2. In order to protect the child's interests, and to assure that a proper permanency plan is carried out, a guardian ad litem should be appointed by the court in all cases where custody of the child may be removed from the family. This would include mandatory appointment in all child abuse and neglect cases, and mandatory appointment in all dependency cases (but not in divorce cases where custody will be awarded to one parent or the other, or to some family members). The guardian ad litem should serve for the entire period the child is removed from the custody of the natural family, with authority to act for the child in all legal matters.

V. PLACING THE CHILD IN FOSTER CARE

When the court awards custody to the department of social services, or parents voluntarily agree to it, there are three basic options: a family foster home, a child-caring institution, and placement with relatives or supervision of the child in his own home. The last option is available only if relatives are able and willing to care for the child (they can receive board payments for the child only if the child is eligible for AFDC) or if returning the child to his home under supervision would not be harmful. The vast majority of children whose cases were reviewed in the five-county field audit were placed in foster family homes.

Most counties attempt to place a foster child in a home of the same race and religious background (if that is an important factor in the child's life). Some counties place a large proportion of their children in other counties. This may be because there are not enough foster homes available in the county, or because it reduces the risk of unplanned encounters between the child and the parents. In any case, this does make visits between the child and parents difficult and may hamper attempts to work with the family and child so that the child can be returned home.

Although the policy of most counties is to place brothers and sisters together, separation sometimes occurs because of space limitations in foster homes or the unwillingness of foster parents to accept groups of children. Often, child-caring institutions are used for groups of brothers and sisters in foster care.

County Departments of Social Services

As the agency in all 100 counties responsible for all children placed in its care with or without advance notice, the county department of social services is the key element in the state foster care and adoption system.

A mail questionnaire sent to all 100 county departments, and returned by 86, provides basic data about the system which is not available elsewhere.

The survey indicates there is a great range of staff resources available for foster care. Twenty counties had less than one half-time position, three had more than 10 full-time workers. Most had the equivalent of two full-time workers. In many counties, foster care responsibilities are mixed with other services such as protective services and few workers dealt with foster care exclusively. Overall, the 86 counties had the equivalent of 204 full-time positions for foster care workers, and these were filled by a total of 330 employees. This pattern of mingling foster care responsibilities with other duties may lead to foster children getting "lost in the shuffle."

A recurring problem in the foster care system is the caseload carried by service workers. Many report they are overburdened with too many children to oversee, and are unable to devote time to individual children. A caseload of 25 foster children is generally regarded as the maximum number a worker should handle, yet only 50 counties were at or below this maximum; 36 counties had 25 to 80 children per worker. Interviews with county social services staff in 10 counties indicated widespread dissatisfaction with the amount of paperwork required. Many workers and supervisors said the Title XX reporting forms they are required to fill out are time-consuming and useless. In one county, workers estimated they spent 40% of their time on paperwork; in another, 75%. The workers complained that this detracted from their main responsibility of working directly with clients. In fact, the county survey and the five-county field audit found that workers spent only 12½% of their time——less than a hour a month—in direct contact with foster children. Heavy caseloads and excessive paperwork apparently are another factor causing "foster care drift."

Another related problem mentioned frequently is the turnover among foster care workers. More than half the counties surveyed said the average length of time their social workers have been working in foster care was less than two years.

This had held true, they said, over the past five years. Only seven of the 86 counties had any foster care workers who had been on the job more than five years. This means the average foster child stays in foster care longer than the average foster care worker! The five-county field audit found that the average child had four different social workers during his stay in foster care, and some had more than 15. This is undoubtedly another important factor in foster care "drift."

What kind of training do foster care workers bring with them to the job? The 86 county departments surveyed said about two-thirds of their workers were college graduates without any specialized studies in social work. The remaining third had bachelor's or master's degrees in social work.

The amount of in-service or on-the-job training foster care workers receive varies widely among counties. About half the counties reporting said their workers received no training or up to five days of training a year. Eleven counties said their workers received from six to 15 days of training a year.

Of the five job classifications for foster care workers (Social Worker Trainee, Social Worker I, Social Worker II, Social Work Supervisor I, Social Work Supervisor II), most counties reporting said the majority of their workers were in the Social Worker II classification.

Combined average annual salaries by classification for all counties reporting, and high and low ranges for individual counties, are listed below.

Classification	Combined Average	Low	High
Soc. Worker Trainee	$9,144 - $10,987	$4,088 - $10, 504	$8,180 - $13,200
Soc. Worker I	10,038 - 12,694	8,544 - 11,466	10,400 - 15,600
Soc. Worker II	..,539 - 14,485	10,200 - 12,852	13,078 - 17,810
Soc. Work Sup. I	12,694 - 16,202	11,484 - 14,300	14,000 - 19,418
Soc. Work Sup. II	4,532 - 19,020	12,552 - 16,302	14,520 - 22,204

The gap between maximum salaries for the same position in two different counties is as much as $5,000 a year; for starting salaries, the gap is as much as $4,092. These great variations are due to individual county salary schedules, which are tied closely to county budgets. State funds provide less than three percent of the funding for county social service worker positions.

The picture that emerges shows an overworked, untrained, patchwork system with little visible leadership until recently, no clear direction, staffed largely with transients. No wonder it often gets low marks from parents and foster parents, and is doing an ineffective job in finding permanent homes for foster children.

Foster Parents

The valuable service that foster parents render to homeless children in North Carolina cannot be overrated. Imagine how a child must feel when he is separated from his family, not by his choice and often for reasons he does not undertand, and dropped off at the home of a complete stranger. It is common for a foster child to feel he has been rejected by his family because "there's something wrong with me." He brings these feelings of rejection, along with the trauma of separation from his family, to the foster parents' doorstep.

Who are these people who open their doors and their hearts to the "orphans of the living"?

Data was gathered on foster parents through a random selection of 300 active, licensed foster homes from among the 3,000 on file at the state Division of Social Services. These foster parents also received a questionnaire asking about their opinions, attitudes, and experiences as foster parents. More than half returned the questionnaire---an unusually high return rate---and respondents were highly representative of the entire 300-home sampling. Additional information was gathered in the five-county field audit, the survey of natural parents, and in field interviews in five counties.

The average age of foster parents is 45 years. Most have completed 11 years of school. More than half of the mothers and 81% of the fathers are employed. A third of the working mothers and two-thirds of the fathers had business and professional or technical jobs. Racially, 62% are white, 35% black, and 3% Indian. Average income for foster parents is $11,445, about $1,000 below the state median for a family of four. About 80% were in their first marriage; only 1% were unmarried, 3% divorced or separated, and 6% widows or widowers.

Some of the differences between the natural parents and the foster parents can be summarized by the comparison given below:

CHARACTERISTIC	NATURAL PARENTS	FOSTER PARENTS
Age	34	45
Schooling	8 years	11 years
Employed	mothers, 33%, fathers, 67%	mothers, 53%, fathers, 81%
Net Income	$3,150 per parent	$11,445 per family
Married	mothers, 29%; fathers, 26%	88%
Race	white, 56%; black, 44%	white, 62%; black, 35%; Indian, 3%

If the board payment of $1,380 per child for two children were added to the natural parents' income, they would be just below the income level of most foster parents.

The average foster family has raised about three children of their own, with only one still living at home. They have an average of two foster children in their home now, and have had about four different foster children in the last year. They estimate that the average foster child stays in their home about 2.3 years. The licensing file survey indicates about a third of all foster parents have been licensed one year or less, a third for two to five years, and a third more than six years.

More than half the foster parents responding to the survey said they became foster parents because they were aware of the need for a home for a particular child, or of a general need for foster parents. An additional 40% became foster parents because they wanted to work with children. Nearly four percent became foster parents as a means of adopting a child, and two percent did so because they themselves had been foster children. About three percent said they became foster parents because of the extra money it would bring in.

The Cost of Family Foster Care

Under North Carolina's foster care system, state and county governments agree to provide funds to cover the extra "out-of-pocket" expenses of keeping a foster child. The foster parents, out of generosity, voluntarily provide a physical home and adult supervision for the child. Although government is not paying foster parents for the personal care and attention they must give to the child, it is promising to cover all direct expenses they incur on behalf of the child.

A close analysis of the true cost of raising a child in North Carolina, however, shows that board payments fall far short of meeting the direct cost of foster care.

Special Payments to Foster Parents. All foster children in North Carolina are automatically eligible for Medicaid, which covers most medical expenses and provides regular physical examinations and dental work. Counties are also responsible, under state law, for funds to cover other necessary expenses. Foster children with special needs (for example, mentally retarded or physically handicapped children) require specialized types of foster care at higher rates, and the state

provides an extra payment of $150 a month for foster parents who have had special training to care for these types of children.

Because state bookkeeping systems often track dollars rather than children, it is not known how many foster children receive Medicaid services. In 1977-78, a total of $1.64 million was spent on Medicaid for foster children, or an average of $164 per child per year ($13.60 a month).

Similarly, funds for specialized foster care in 1977-78 total $3.03 million. At a cost per child of $1,800 a year, this indicates about 1,680 children could be covered throughout the year.

County payments for incidental expenses like clothing, school activities, etc., have not been recorded as a category, so it is not known how many foster parents receive any assistance with these expenses.

Board Payments to Foster Parents. The monthly board payment is the chief mechanism for reimbursing foster parents for the extra out-of-pocket costs of keeping a foster child. The average board payment provided in North Carolina is about $114 a month. Payments are provided through two programs, the State Foster Home Fund (SFHF) and Aid to Families with Dependent Children-Foster Care (AFDC-FC). SFHF payments are funded on a fifty-fifty matching basis by the state and county up to a maximum of $125 a month per child. Statistics for October 1978 show that monthly SFHF payments averaged $108. Some counties pay a board rate as low as $80, because they are unwilling or unable to provide the county matching funds needed to reach the $125 maximum. Other counties match the full amount available and use county funds to go above the state's maximum payment rate, paying as much as $175.

AFDC-FC board payments are $140 a month, using federal, state, and county funds. In 1977-78, the matching ratios were 68% federal, 16% state, and 16% county. The $140 payment includes $15 for clothing expenses. Statistics for

October 1978 show that monthly AFDC-FC payments averaged $126.

All county social services workers interviewed in 10 counties agreed that the current board payment levels are inadequate. The foster parent survey indicated that foster parents also agree. The parents responding reported receiving payments ranging from $50 to more than $150 a month, with the average payment about $125. They said that the present board payment covers only about three-fourths of the necessary out-of-pocket expenses of keeping a foster child.

About 60% reported they cannot afford to buy the basic clothing a foster child needs with the board payment, and listed many other items—which may or may not be necessary, but are provided by many other natural parents—as financially beyond their reach. These include band instruments, private tutoring, class rings, Scouts, dancing and piano lessons, Christmas and birthday presents, and recreational activities such as movies and summer camp.

Actual Cost of Foster Family Care. A realistic estimate of the true cost of foster care can be made following the method outlined in the U.S. Department of Health, Education, and Welfare (HEW) publication, How to Measure the Direct Cost of Foster Family Care (HEW Children's Bureau, 1977.)

Cost estimates are based on data collected and published by the Consumer and Food Economics Research Division of the U.S. Department of Agriculture (USDA) in The Cost of Raising a Child. These cost figures are adjusted by region, type of area (urban, rural, farm), age of the child, and standard of living (based on "economy," "low-cost," and "moderate-cost" food budgets). Yearly cost estimates cover the total cost of raising a child—food, clothing, housing medical care, education, and transportation.

To determine a family's standard of living, USDA used family size and annual income before taxes. The GACCY survey of about 300 foster family homes

in North Carolina indicates average annual family income, not counting foster care board payments, is $11,445. Average family size, before foster children are included, is three people per household--with an average of two foster children in each foster family. When these figures are applied to the USDA cost table, the average foster family in North Carolina falls into the "low-cost" standard of living category.

Cost estimates, however, do not include special "start-up" expenses required when a foster child enters the home. These include expenses for clothes, toys, and bedding. A high turnover rate among foster children multiplies these costs. Also, of course, another mouth to feed results in extra food costs. To cover these added expenses, the HEW guide suggests using the next highest standard of living, which in this case is "moderate" cost. This standard is then adjusted to conform with the Southeast Region's cost-of-living statistics.

Except for "start-up" costs, the cost of caring for a foster child is similar to the cost of caring for a natural child. One difference, however, is that all foster children in North Carolina are eligible for Medicaid. In 1977, Medicaid benefits averaged $164 per child, or $13.60 a month.

According to the USDA's "moderate" cost of living plan, the average annual cost of caring for a child in North Carolina is $3,170, adjusted to Consumer Price Index (CPI) figures for March 1978. This average cost can be adjusted to fit the age and the living area of the child as follows:

Cost by Age of Child and Living Area in North Carolina

Age	Urban (51%)	Rural/Nonfarm (42.6%)	Farm (6.4%)	Weighted Average
Under 1	$2769	$2882	$2591	$2805
1-4	$2772	$2804	$2642	$2777
5-10	$3068	$3060	$2968	$3058
11-15	$3504	$3504	$3368	$3495
16-18	$3902	$3967	$3757	$3920

North Carolina's population as a whole is 45% urban, 47.6% rural-nonfarm, and 7.4% farm. The age distribution of foster children (March 1978) is 3.2% under age one, 19.1% between one and four, 26.9% between five and 10, 36.8% between 11 and 15, and 13.7% 16 or older. About half (50.5%) of the foster children in North Carolina are 11 years old or older, and the cost of caring for these older children is significantly higher than the cost of caring for infants and young children.

When the cost of foster care is computed on the percentage of foster children in each age group, average costs in North Carolina rise to $3,266 a child for an urban family, $3,284 for a rural-nonfarm family, and $3,140 for a farm family. An average cost weighted to reflect the living area and the average age of the foster children in the state would be $3,265 a year per foster child. Deducting the average Medicaid benefit from this figure, since all foster children are eligible for Medicaid and medical costs are included in the cost-of-living data, would reduce the average cost to $3,101.

This cost estimate indicates there is a gap between the actual cost of raising a foster child ($3,101 annually or $258 a month) and the average board payment ($1,368 annually or $114 a month using a weighted average of AFDC-FC and SFHF payments). On the average, board payments cover only 44% of the actual cost of caring for a child.

This gap is $1,733 a year, or about $144 a month, and represents out-of-pocket expenses "donated" by foster parents because the state board payments are inadequate. This figure should dispel the lingering notion that foster parents "are in it for the money."

The gap widens as the child grows older, because moderate cost figures indicate a $1,100 annual increase in cost between an infant and a 16-year-old. Although many states provide board payments adjusted to the age of the child, North Carolina does not. Current average board payments represent only one-half of the estimated direct cost of caring for an infant, and only one-third of

the cost of caring for a 16-year-old.

In order to raise the board payment up to the actual level of cost under a "moderate" cost-of-living plan, the amount would have to be increased by $126 (or more than doubled) for infants under age one, and $219 (nearly tripled) for foster children between the ages of 16 and 18. Increasing the board payment to cover the actual cost of care for the average monthly total of 5,800 foster children would cost about $10 million a year—this is the amount foster parents are now contributing from their own incomes as a form of subsidy to the state.

Private Child-Caring Institutions

Information on child-caring institutions was obtained from the state Division of Social Services, interviews with foster care caseworkers in several counties, the Duke Endowment, the North Carolina Child Care Association, and visits to three child-caring institutions—Methodist Children's Home, Oxford Orphanage, and Central Orphanage. Much of the information on the characteristics of children in group care was provided by the Duke Endowment for the period October 1, 1976, through September 30, 1977.

In addition to the approximately 4,500 children in family foster homes, an additional 1,145 children, who are the placement repsonsibility of county departments of social services, live in child-caring institutions. All 26 child-caring institutions in North Carolina are private. A child-caring institution is defined by the Division of Social Services, in its Standards for Private Child-Caring Institutions manual, as "a residential care facility utilizing permanent buildings located on one site for ten (10) or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from their own home and not held in detention."

The state Division of Social Services has responsibility for licensing the institutions and approving Aid to Families with Dependent Children-Foster Care (AFDC-FC) and State Foster Home Fund (SFHF) payments to institutions which meet the licensing standards and have signed civil rights compliance forms. Of the

26 institutions, all but two are licensed by the state as meeting minimum standards. These two institutions which have chosen not to be licensed by the state are able to do this under G.S. 108-78, which exempts any institution "which has a plant and assets worth sixty thousand dollars or more and which is owned or operated by a religious denomination or fraternal order and which was in operation prior to July 1, 1977." This law exempts 19 of the 26 child-caring institutions in the state; although all but two of the 19 are complying voluntarily. The two nonlicensed institutions must, however, meet local sanitation and fire standards. These two facilities, and one other which is licensed, are the only three that have not signed civil rights compliance forms. Consequently, county departments of social services cannot refer children, or make board payments to these three institutions. They continue to receive state grant-in-aid funds, however.

From October 1, 1976, to September 30, 1977, a total of 2,859 children were cared for in group care in 33 North Carolina child-caring institutions,* according to Duke Endowment Child care statistics. Group care is defined as care in an institution or a small group home wich is operated by an institution. There were a total of 1,797 children in group care at the end of September 1977. Of this total, emergency group homes (with a maximum length of stay of 90 days) and a "high adventure" camping program (with a maximum length of stay of 12 months) enrolled 24.

After deleting the number of children in emergency homes from the total number of children in residence at the end of the period, the average length of stay for children in institutional care was 2.7 years. The following table indicates the length of residence for children in institutional care at the end of the survey period:

LENGTH OF RESIDENCE	CHILDREN IN RESIDENCE END OF PERIOD	PERCENTAGE
Less than 6 months	414	23.4%
6 months, less than 1 year	257	14.5%
1 year, less than 2 years	316	17.8%

*This total includes the 26 private child-caring institutions, plus Alexander Children's Center and Thompson Children's Home, which are, as of June 1977, considered residential treatment facilities and are no longer eligible to receive the AFDC-FC or State Foster Home Funds. The Duke Endowment statistics also include five group homes which are operated by Baptist Children's Homes.

LENGTH OF RESIDENCE	CHILDREN IN RESIDENCE END OF PERIOD	PERCENTAGE
2 years, less than 3 years	188	10.6%
3 years, less than 4 years	184	10.4%
4 years, less than 5 years	102	5.8%
5 years, less than 6 years	99	5.6%
6 years, less than 10 years	171	9.6%
10 years or more	42	2.4
TOTAL	1773	100%

The average age of children in institutional care during the period October 1976 - September 1977 was 13.4 years. The following table shows the age distribution of children in institutional care during the indicated year:

* AGE DISTRIBUTION OF CHILDREN	CHILDREN CARED FOR DURING PERIOD	PERCENTAGE
Under one year of age	7	.25%
1 and less than 2 years	6	.22%
2 and less than 6 years	55	2%
6 and less than 12 years	700	26%
12 and less than 18 years	1806	67%
18 and less than 21 years	123	4.6%
TOTAL	2697	100%

Of the 1,797 children in group care at the end of Sept. 1977, 69.6% of the children had both parents living, 24.8% had one parent living, and only 5.7% were orphans. In the past, the child-caring institutions were primarily homes for orphans. In more recent years, however, the percentage of orphans or half-orphans (one parent dead) has decreased significantly. According to The Duke Endowment 1977 Annual Report, "the number of children in institutional care with both parents living has decreased 1.8% in the last 10 years, and the number of orphans or half-orphans has decreased 39.4%. The number of children receiving

*Because the children of house parents are included in these statistics, it is impossible to identify the exact number of foster children in these age categories, but estimates are that children of house parents constitute no more than 5% of the total population.

care in 1967 was 19.4 percent more than in 1977."

Not all children in institutions are eligible to receive monthly board payments. Only those children who are the placement responsibility of a county department of social services or a licensed child-placing agency are eligible. These children are referred to as "state children." By dividing the estimated average number of "state children" in institutions during October 1976-Sept. 1977 (1,186) by the average number of all children in institutional care during the same period (1,846), we found that about 64.2% of the children in institutions were "state children."

In addition to the monthly board payments from local departments of social services, the child-caring institutions also receive a state grant-in-aid. The formula for allocating funds to the institutions, which was adopted in 1971 by the Advisory Budget Commission, is as follows:

> "The number of children in care who are the placement responsibility of a county department of social services or a licensed child-placing agency, times the cost per child required to provide an acceptable level of care (standard cost), less the amount of board payments available from county departments of social services."

to the total income of the child-caring institutions for FY 1976-77 and the proportion of state and county contributions to the institutions for care of "state children":

Total Income: All Child-Caring Institutions

I.	Operating Fund Income			
	A. Operating Income from State and County Governments			
	1. Board Payments (1188 X $101.53 X 12)	$ 1,447,411		
	2. Grant-in-aid	$ 2,256,679		
	3. Other Government Sources (Child Care Feeding Program etc.)	$ 994,146		
	Total Government	$4,698,236	(30%)	
	B. Other Operating Fund Income (Private Contributions, etc.)	$10,836,764	(70%)	
	Total Operating Fund Income		(100%)	$15,535,000
II.	Endowment Funds			$ 2,187,000
III.	Capital Improvements-Plant Funds			$ 1,011,000
	Total Income: All Child-Caring Institutions (From N.C. Child Care Association)			$18,733,000

Total Expenses of Child-Caring Institutions

I.	Yearly Expenses for "State Children" ($16.88 day x 1188 children x 365 days)	$7,319,506	(64%)
II.	Yearly Expenses for All Other Children ($16.88 day x 668 children x 365 days)	$4,115,682	(36%)
	Total Expense of Child-Caring Institutions	(100%)	$11,435,188
	(Difference Between Total Income and Total Expense) (Extra-institutional Services, etc.)		$ 7,297,812

"State Children"

I.	Total Expense for "State Children"	$7,319,506	(100%)
	A. Income from State Board and Grant-in-Aid	$3,704,090	(50.6%)
	B. Contributions from Other Sources to "State Children's" Care	$3,615,416	(49.4%)

To summarize the findings: about 20% of the total foster care population during the year October 1976-September 1977 were being cared for in private child-caring institutions in North Carolina. The average age of children in these foster care facilities was about 13.4 years, compared to the average age of 11 years for children in family foster homes. The average length of stay in the institutions was about 2.7 years or 32 months, compared to 2.3 years or 27.6 months "per stay" for family foster home placements. Finally, we can compare the average yearly cost per child in care in the institutions, $6,161, with the average yearly cost per child in family foster care, $3,265 ($1,368 of this is actually paid through board payments, and $1,733 contributed by foster parents).

RECOMMENDATIONS

1. The caseload for many department of social services staff is so large that quality services cannot be provided to the child and his family. This results in longer stays in foster care at a higher cost to state and local governments. A maximum caseload should be set for each foster care caseworker to encourage higher quality service and permanency planning.

2. In addition, high turnover among department of social services staff results in lack of continuity for permanency planning. Increased salary levels, training, and supervisory support—in addition to reduced caseloads—should be examined for their potential to reduce staff turnover.

3. Most foster children come into foster care with many complex problems and emotional scars. Most foster parents are not prepared to handle children with special needs. A state program should be implemented to train all foster parents before children are placed in their homes. Periodic refresher sessions should be offered to meet special training needs. Included in any training packet should be a uniform foster parent handbook outlining rights, responsibilities, and procedures for foster parents in North Carolina.

4. Present average board payments cover only 1/3 to 1/2 of the direct out-of-pocket cost of keeping a foster child. In order to reduce turnover in foster parents and to lower the subsidy foster parents must pay from their own funds to keep foster children, the board payment schedule should be increased. The increase should at least cover the direct, out-of-pocket expenses of raising a foster child.

5. Because the cost of keeping a foster child varies by as much as $1,100 a year, depending on a foster child's age, board payments should be graduated to reflect the rising cost of keeping an older child.

6. Because the present board payment for foster care is on a state-county matching basis, low-income counties cannot pay the maximum board rate—even though the maximum covers only 1/3 to 1/2 of the direct cost. Therefore, foster children in low-income counties receive substantially less support than foster children in higher-income counties. The state should guarantee a basic minimum foster care board payment, geared to the ability of the county to share in the minimum payment, with optional rates above this level and up to the maximum matched on a dollar-for-dollar basis.

7. All child-caring institutions should be required to have a state license. Institutions that refuse to sign civil rights compliance statements should not receive any state funds, including the institutional grant-in-aid.

8. Because the cost to the state of keeping a child in a child-caring institution is almost twice that of keeping a child in a foster family home, child-caring institutions should be used only as a last resort, or when the special needs of the child can best be met in a child-caring institution.

9. Because there are not enough appropriate placements for children with special needs, and because many of these children could best be served in child-caring institutions, the state grant-in-aid program should be modified to provided incentive grants to child-caring institutions able to serve children with special needs.

VI. SERVICES TO FOSTER CHILDREN AND FAMILIES

The five-county field audit indicated that almost all foster children received the required physical examination when they were placed into foster care. About 93% received the examination, which often indicated a need for dental work (35%) or medical treatment (27%). Forty-three percent were found to be healthy and have no medical needs. About half the children also received a psychological examination, and 10 percent were examined for learning disabilities and other educational problems. Thirty percent were found to need psychological counseling, 9% had vision problems, and 9% were diagnosed as needing special education programs.

Most of the physical examinations were provided under Medicaid, which meant that suspected dental problems were referred to a dentist. Records indicated that more than half of the children referred did see a dentist, while 27% did not. For about 20%, records did not indicate whether or not the child saw a dentist. Social services workers in Durham said regular dental care is a problem because Medicaid regulations recently were amended to require (as a cost-control item, supposedly) a doctor's referral for dental treatment. This restricts routine preventive care, they said, and often means a child is referred to a dentist only when the dental problem has become severe. They gave examples of a child finally referred to a dentist who was found to have 16 cavities, and of another who required emergency dental work because of an untreated abcess that caused infection of the child's gums.

Foster parents responding to a survey indicated that more than half of the children in their care are handicapped or have special needs. About three-fourths of these parents said they had not had any special training to handle handicapped children. About 20% said they had requested special training from the department of social services, but less than half received it.

The foster parent survey indicated a high percentage received Medicaid services for their children (83%, compared to 93% in the five-county field audit). Other support services received included public health services (43%), social worker counseling (33%), mental health counseling (18%), psychological services (15%), and educational tutoring (11%).

The survey of natural parents also indicated that almost half of the foster children have disabilities or handicaps. Most common conditions listed were medical problems, physical impairment, behavioral or emotional problems, mental retardation, convulsions, and learning disorders.

A third source, the five-county field audit, indicated only about one-fourth of the 326 foster children whose records were reviewed had been identified as handicapped. Chief among these were emotional disturbance (9%), mental handicaps, (8%), physical handicaps (5%), and medical needs (4%).

Although an analysis must be tentative because of the differing data sources and vague definitions used for special needs, it seems that most foster children with special needs are receiving services to meet these needs. Whether the services are appropriate for the child, and intensive enough to be effective, remains a question.

Services to Natural Parents

After the child has been removed from the family, most experts say there should be a "treatment plan" to assist the family in being able to take the child back into the home. Most plans are drawn for a six-month period, and represent a type of contract between the county dpeartment of social services and the parents which, if both parties adhere to, will enable the child to be returned.

The five-county field audit indicated only one-third of the parents had a treatment plan, even though the term was defined loosely as any reference to what parents would have to do to get their children back, whether or not a time limit was set. This means two-thirds of the parents have had their children taken away with no clear understanding of what will be required for them to get their children back. A survey of natural parents, however, indicates about half of those responding have been told by the caseworker what is expected of them in order for their child to be returned home. Almost two-thirds, however, said the social services department had not helped them, or arranged for any services for them.

For those parents that did have a treatment plan, only in 12% of the cases could it be determined that the parents had an active role in drawing up the plan. Almost half did not participate, and another third merely agreed to the plan when it was presented by the social worker. For the remainder, level of participation, if any, could not be determined.

Services in the plans were traditional in most cases. Major items were employment and housing assistance, homemaker services, mental health counseling, medical services, and AFDC income support payments. In general, services seemed to be made available as promised. Only 20% of the parents made active use of the services, however. About a fourth made "some" use, a fourth "infrequent" use, and a fourth never used the services.

The picture is confirmed by a survey of natural parents, with 59% of those responding saying they received no services after their child was placed in foster care (53% said they received no services before their child was removed). The most common service received was mental health services, but it was provided for only 19% of the parents responding to the survey.

The purpose of foster care is to provide a safe living arrangement for the child for a short period of time while the natural parents have a chance to work out their problems. Surprisingly, when asked what happened in the family after the child was placed in foster care, most natural parents responding to the survey said things got worse. Seventeen percent said things remained the same, and only 28% said the home situation improved.

Although the degree to which appropriate services are provided to foster children and foster parents may need further study, the question of how adequate services to natural parents are does not. These services are clearly inadequate. This problem will be examined further in the section, Permanency Planning.

The Parents, the Child, the Foster Parents, and the Department of Social Services

What are the interactions between the parents, the child, the foster parents, and county department of social services staff while the child is in foster care? What are their opinions about the role each plays, and how well they perform it?

For parents, the main source of information is a survey with responses from only 32 parents. Almost half these parents felt they were not given a true picture of foster care before their child was placed there, and an additional third said it was not discussed with them.

The general situation the natural parents report shows them to be isolated, with no voice in what happens to their children. For example, more than half have never had a visit from the social worker since their child was placed in foster care, 88% said they did not meet the child's foster parents before the child was placed with them, and 71% have never had any contact with the foster parents. In fact, more than a third have been told by the social worker not to contact the foster parents. Seventy percent felt the department of social services was no longer interested in their problems now that their child is in foster care.

Almost three-fourths of the parents surveyed said they have never had contact with their children. About half said the social worker is responsible for arranging times and places for visits, and deciding how long the visits will last. Ninety-seven percent of the parents responding said they do not get to see their children often enough. Almost half said the reason for this is that the social worker says this would not be good for the child. Others said work schedules or distance from the foster home made visits difficult (17%), or that the foster parents do not like them to visit the child (10%).

The foster parent survey confirms the parent response on contact between parents and foster parents. About half have been told by the social worker not to contact the parents, and half have not been told one way or the other. Consequently, three-fourths of the foster parents have not had any contact with the parents. Foster parents have mixed feelings about having the parents visit the child in their foster home. Almost half oppose this, with 37% in favor of it and 16% having no opinion. The five-county field audit found only 24% of the visits between the chief and parents were held in the foster home.

The five-county field audit found that 40% of the children had had no contact with their parents, although the children were not free for adoption and parental rights had not been terminated. About 20% of those who do have visits have fewer than one visit a year. Most foster children, if the field audit is representative, have no visits or less than one visit a year. This is hardly the level of contact that will establish a relationship that leads the child back home.

Social Services

Relationships between the social services workers and the natural parents appear to be, as might be expected, less cordial than those between foster parents and social workers. Only one-fourth of the natural parents surveyed reported that the social workers were "very helpful" to them. Others said the social workers were "helpful but could be more helpful" (17%), "helpful but does not come out often enough" (7%), "neither harmful or helpful" (17%), or "harmful, upsetting, nosey, and annoying" (37%).

In field interviews with local department of social services staff in five counties, workers said contact between the foster family and the natural parents often results in conflict. The foster parents are left to deal with the upsetting effect of home visits on the child and often oppose contacts between the child and the parents, the workers said. Perhaps because of this, the workers added, they do not encourage contacts between the foster parents and the natural parents. Many caseworkers, they said, do not have the time to develop a relationship among the child, the parents, and the foster parents that can overcome natural hostilities.

The five-county field audit indicates social workers visit foster children about once a month, and that the average visit lasts 38 minutes. This is confirmed by the survey of 86 county departments of social services. The counties responding reported an average "direct contact" time per foster child of 48 minutes a month. This included personal contacts with the child, the parents, and the foster parents.

Foster Parents

The foster parents surveyed said social workers were generally helpful to them. About half said visits between the social worker and the child were friendly, and more than half said they were beneficial. About half said the visits between the social worker and the child and the social worker and foster parents were on an "as needs" basis rather than on a regular schedule. When asked their recommendations on how to improve the foster care system, the foster parents listed money to buy clothes for the children first and honest, open communication between themselves and the social services department second.

The foster parents also recommended that social worker caseload be reduced, that social workers be better trained, that they have regular meetings with social workers and other foster parents, that they receive more information on the child and his family, and that "red tape and bureaucracy" be eliminated.

There are striking differences in attitudes between foster parents and natural parents on the three questions listed below:

"A child should be removed from a foster home if the child or foster parents start to become psychologically attached to each other."

	Yes	No	No Opinion
Foster Parents	20%	80%	0%
Natural Parents	52	29	19

(This was state policy a decade ago, and may continue to be the policy in some counties, despite persistent and unchallenged research on the importance of attachment.)

"A child who remains in foster care more than two years should automatically be freed for adoption."

	Yes	No	No Opinion
Foster Parents	55%	29%	16%
Natural Parents	6	91	3

"What would you like for the future of your children to be?"

	Stay in Foster Care	Return to Parents	No opinion
Foster Parents	61% (or adopted by foster parents)	25%	14%
Natural Parents	23% ("but return home later")	77% ("return home now")	0

Two questions related to adoption were asked only of foster parents:

"If a child is free for adoption, foster parents should be allowed to adopt the child." (90% said yes; 10%, no)

"Only people qualified to be adoptive parents should be chosen as foster parents." (34% said yes; 53%, no; 13%, no opinion)

When Foster Care Placements Must Change

Foster care "drift," it is assumed, leads to the child being shunted from one temporary foster home to another, with the resulting loss of attachment and inability to form healthy emotional realtionships. The five-county field audit confirmed that multiple placements are happening. The average child had been placed in two foster homes in less than four years. About 10% had been in five or more homes, and three of the 326 children had been in 10 or more homes.

Just as the reason the child is placed in foster care often had nothing to do with the child's condition or behavior, so do the reasons that force the child to change foster homes show that it usually is because of circumstances that have nothing to do with the child. In more than 60% of the cases in the five-county field audit, the reason was that the foster family: had an illness, moved, had a death in the family, got divorced, had a parent begin full-time work, abused the child, or didn't want to be foster parents any more. Other major reasons were to place the child in a foster care arrangement with his brothers and sisters (18%), or because the child was disruptive or undisciplined (18%).

The foster parent survey, on the other hand, indicated that when the foster parents asked that the child be moved out of their home it was because

they were unable to deal with the child's emotional needs (24%), unable to discipline the child (35%), or because the child did not "fit in" with the family (21%).

A survey of progress reports for 290 foster children indicates that in almost half the cases where a child is removed from one home and placed in another there is no reason given. Most often, the reasons had little to do with the child's behavior or wishes: "foster parents want out (28%), "foster parents unable to handle discipline" (17%), "foster parents physically unable to provide care" (11%), "foster parents move" (8%), "home no longer licensed" (8%), and "death in foster family" (7%).

Rarely was the placement change made because of the child's actions or wishes: "child requests change" (8%), "foster child doesn't fit in family—disruptive" (11%), and "child returned to family" (7%).

The overall impression is that of paper cutouts of young children, alone and helpless, being driven to and fro at the mercy of vagrant winds.

Judicial Review

In 1977, the N. C. General Assembly passed a law to provide for a periodic review of children in foster care.

A fall 1978 questionnaire to all 126 District Court Judges asked about attitudes on foster care, removing a child from his natural home, the new judicial review law, termination of parental rights, and the use of guardians ad litem. Forty-nine, or 39%, responded.

Twenty percent of the judges responding had had no experience with the judicial review statute. About 55% had actually reviewed one to 15 cases.

The judicial review law states that "the court shall...order and conduct periodic reviews." Personal interviews with judges, social workers, foster parents, and others indicated that it was unclear who in the court, if anyone, actually should initiate the review. To the question, "Who is responsible for

initiating or scheduling the judicial review procedure?," 33% of the judges surveyed indicated the social worker, 10% indicated the judge, 8% indicated the clerk of the court, and 6% indicated the juvenile court counselor.

This indicates ambiquity and uncertainty in the law and its application.

In response to the question,"What type of judicial proceedings are used to conduct this review?," 40% of the judges responding said they had a full hearing with all interested parties in Juvenile Court. Forty percent indicated that their review consisted of private discussions with the social worker in chambers or over the telephone. In 10% of the cases, the review occurred in the judge's chambers but included all interested parties.

The diversity in the review procedure is partially a result of the sparse notice requirement in the present law. Although in 50% of the cases the judges indicated they met with "all interested parties," it is somewhat doubtful if "all interested parties" are actually present when only the parents are required by the law to be notified.

Most questionable are the sizable proportion (40%) of the reviews conducted simply by the judge talking with the social worker. It is possible, of course, that the social worker may in some cases be the only interested party. However, the law is defeated when all parties are not given the opportunity to know of the review and participate fully.

The related questions dealt with the sources of information used by the judges in their review, and which sources they relied upon most heavily. More than 37% of the judges indicated social services reports (social worker's evaluations and recommendations, child's social services file, written social services progress reports) were what they relied upon the most.

Twenty-nine percent of the judges indicated that "individual information" (child's testimony, foster parent's testimony, natural parent's testimony) was used in the review. The child's testimony was considered by 7% of the judges, the foster parents' testimony by 6%, and the natural parents testimony by 15%.

While this "individual information" was considered by 29% of the judges, only 12% of those judges listed it among those sources they rely upon most heavily when making their decision. None of the judges relied heavily upon the child's preference. The total amount of reliance upon information from the child, foster parents, and natural parents was only 12%. This was surpassed by a 23% reliance by the judges upon the recommendation of the guardian ad litem.

Another series of questions attempted to elicit the feelings of the judges about the judicial review in general. Sixty-seven percent of the judges responding felt that judicial review of foster care was needed. Seventy-three percent agreed that the district court judge is the proper person to monitor the status of children in foster care. There was greater disagreement about the mechanics of the law. About 60% said the law was vague about how the judicial review should be carried out. In addition to these complaints, 37% of the judges felt that they had not been offered adequate or helpful training to enable them to properly conduct the reviews.

The survey of county departments of social services indicated that more than 40% had not participated in any reviews when the survey was made late in 1978. Another 40% had reviewed up to 10 children, and 10% had reviewed more than 10. This diversity was repeated when counties were asked how the review was carried out. Some said the judge merely reviewed the child's folder. Some said it consisted of a private talk between the social worker and the judge. Some said it was done in the judge's chambers with all interested parties present. Some said it was done in court, but based entirely on the social worker's presentation of the case. Some said it was done in court with all interested parties participating. Some listed two or more of these methods. Almost half, of course, had had no reviews and did not respond.

RECOMMENDATIONS

The new judicial review law has gotten off to a slow and uneven start. The way the law is applied and its effect on placement of children in foster care—and continuation of children in foster care—varies widely from county to county.

The law should be amended to provide for a full judicial hearing scheduled by the Clerk of Court.

A report on the progress of the child's permanency plan should be presented by the department of social services at the hearing.

The natural family, foster parents, child or child's guardian ad litem, and other interested parties should have notice of, and right to comment at, the hearing.

The amendment also should clarify the standards to be used in conducting the review of the child's placement. These should include services offered to reunite the family; where the child's return home is unlikely, efforts that have been made to evaluate or plan for other methods of care; goals of the foster care placement and appropriateness of foster care plan; reports on the placements the child has had and services offered to the child and foster parents; efforts to place the child in a permanent situation; a new foster care plan (if continuation of foster care is sought) that addresses the role the current foster parents will play in planning for the child; and a discussion of if and when termination of parental rights should be considered.

VII. GOING HOME: A PERMANENT PLAN FOR A CHILD

Permanency Planning

Permanency planning, although long a goal of the social welfare field, has become a popular catch-phrase only in the last decade. Scandalous conditions and child abuse in foster care institutions, detailed in the 1975 book, Weeping in the Playtime of Others, by Kenneth Wooden, drew national attention and prompted Congressional hearings. Other books such as Beyond the Best Interests of the Child, by Goldstein, Freud, and Solnit; and Children in Foster Care, by Gruber, helped focus attention on the plight of children caught in foster care "drift." The Oregon Project and the Children In Placement program have provided tested techniques to promote permanency planning.

In North Carolina, the Durham County Department of Social Services organized a task force on permanency planning early in 1978. In spring 1978, the Secretary of Human Resources issued a priorities document setting permanency planning as a priority for the 1979-81 budget. The state Division of Social Services promoted the concept through a fall statewide workshop featuring national speakers and "how we do it" sessions where counties could share successful permanency planning efforts.

Late in 1978, the Group Child Care Consultants unit of the School of Social Work at the University of North Carolina at Chapel Hill received a one-year federal grant to promote permanency planning in the state. The project will draw together representatives from local and state organizations, public and private, to develop leadership for permanency planning in North Carolina.

Because the emphasis on permanency planning is new in the state, there is little evidence of it happening.

The Durham County task force reported these plans for the 192 children under that county's supervision in May 1978:

No permanent plan	110	(60%)
Permanent plan	82	(40%)

(released for adoption 20)
(being cleared for adoption 10)
(to be returned home 31)
(to be placed with relatives 4)
("long-term foster care contracts" 17)

It should be noted that many would not consider long-term foster care a permanent plan, so that about 66% of all 192 children had no permanent plan.

The five-county field audit of the records of 326 foster children found no evidence, however glimmering, of any long-range plan for 10% of the children. Where there was a plan, it most commonly was "long-term foster care." This was the "plan" for about 40% of the children. The genuine permanent plans listed included returning the child to the natural parents (19%), freeing the child for adoption (17%), and placing children already free for adoption (16%).

The sampling of 290 progress reports found 20% with no plan at all. For those that did have a plan, the most prevalent plan was "long-term foster care" (34%). Other "nonpermanent" plans included "release at majority" (8%) and "child-caring institution" (3%). More than half, then, did not have a permanent plan. The permanent plans listed included returning the child to the natural parents (17%), placing for adoption (20%), and adoption by foster parents (5%).

A study of children who had been in foster care two years or more, conducted by the foster care unit of the state Division of Social Services between September 1975 and February 1976, found almost 63% destined for "long-term foster care." About 16% were expected to return home, 17% to be adopted, and 4% could not be classified.

A permanency plan, of course, is only a statement of intentions. It does not guarantee that the child will find a permanent home, and it is not necessarily the best plan for the child. As the foregoing data indicate, however, for too many children there are no plans at all. Even when there is a plan, for too many children "long-term foster care" is the "plan." This is not a permanency plan, this is foster care "drift."

A study prepared by Walker Reagan for Duke University's Institute of Policy Sciences and Public Affairs indicates that about 20% of North Carolina's foster children remain in foster care because they are considered "unadoptable." This is a judgment made by social workers which may prevent or delay adoption of handicapped children. In Massachusetts, for example, four out of five handicapped children placed in foster care never returned home, yet for only one in seven children was their handicap the reason for delay in permanent placement.

Adopting and raising a handicapped child is in some ways easier than raising your own handicapped child. Dr. Marilyn Erickson, in a 1970 speech to the N. C. Governor's Conference on Finding Families for Handicapped Children, pointed out that adoptive and foster parents with handicapped children do not have to go through some of the steps that natural parents do: recognizing the problem, accepting it, searching for a cause and a cure. They can begin by accepting it and adapting to it. Most studies of adoption of handicapped children, Reagan reports, find they differ very little from the adoptions of all other children——the rate of successful adoptions is "almost identical to those of 'normal' adoptions."

Not only academic studies, but successful operating programs have demonstrated that no child is unadoptable and that techniques to find homes for "hard to place" children have been developed, tested, and proven cost-effective. One successful program is Project Impact in Massachusetts, which places children with special needs in permanent adoptive homes. The project used a weekly newspaper feature, "Sunday's Child," to let people know about children who needed a home; a special recruitment effort in black communities; and post-adoptive services including parent training and help in using local resources.

Project Impact spent $400,000 its first year, but saved the state $480,000 in foster care costs. In its first four years of operation, it saved the state $19.2 million. "Unadoptable" children can indeed be placed, and the cost of placement is much less than the cost of foster care "drift." Project Impact

is only one of several that have disproved the myth that "hard to place" children are unadoptable.

Reagan concluded that by spending up to $3,500 to find a permanent home for a child, North Carolina could save more than $10,000 in future governmental foster care costs for that child. "At least 20% of the total foster care cost could be eliminated," he wrote, "by moving these 'hard-to-place' children out of foster care and into permanent adoptive homes." This would result in annual savings, at 1977-78 costs, of $4 million a year, he notes.

Perhaps more important than the money involved are the social costs of foster care drift. Research in this issue is scarce, but the conclusions are similar. Janet L. Hoopes found children who went through a succession of foster care placements had difficulty in adjusting in later life. Henry Maas found that foster children and adoptive children experience many of the same psychological problems, but that the sense of not belonging is much more intense for foster children. Other studies have shown that adoption has a more positive effect on the child than foster care, but that being raised by natural parents is superior to both.

The effects of prolonged separation from permanent parents are cited by Fanshel and Shinn: "...the strain of prolonged separation has been shown in a number of scholarly investigations to portend such damage to their evolving personalities as to leave many children strikingly impaired in their functioning."

Perhaps the next area of study should be the actual cost to North Carolina of its failure to make aggressive efforts to find permanent homes for foster children. We know that more than a fourth of the young people in North Carolina's schools were sent to these institutions directly from a foster care placement. But we don't know how many dollars foster care drift is costing the state in crime, mental health services, special education, loss of economic productivity, etc. It does seem clear that natural parents or adoptive parents are better for the child than foster care drfit, even if the dollar value of this benefit cannot be measured today.

Failure to solve the problem of foster care drift would amount to child abuse and neglect by the state, not to mention a waste of taxpayers' money. Permanency planning is not only the humane and responsible course for North Carolina to take, it can be done at an overall cost savings to the state.

Termination of Parental Rights

Field interviews with county social services staff in five counties indicated termination of parental rights is a slow process. From the caseworkers' standpoint, the reluctance of judges to separate a child from his natural parents, whatever the reasons, is a major obstacle. Two of the five counties had successfully sought termination of parental rights in only one case each in the past two years.

In a third county, two brothers entered foster care in 1974 after social workers had attempted to hold the family together for three years. The mother then disappeared, and could not be located. The county sought to free the children for adoption. A deputy serving a final summons to the mother's last known address found her father, who now had a South Carolina address for the mother. Termination proceedings were halted while the caseworker notified the mother.

In April 1977, three years after the children entered foster care, the mother was located and a visit was arranged by the caseworker between the mother and her children. They had few memories of their mother. The mother was living in a "supervised home" because she was unable to function independently. In June 1978, when the mother had made no further contact with the caseworker or the children, termination proceedings were resumed. The judge hearing the case decided that the mother was incapable of wilfully abandoning the children, claimed to want the children, and therefore should not have her parental rights terminated. The boys, now 10 and 11 years old, remain in a foster home today, five years after they entered foster care, having seen their mother once during this time in a meeting arranged by the social worker.

In the survey of county departments of social services, major causes of delay cited in terminating parental rights were lack of adequate legal assistance and reluctance of judges to terminate parental rights. Lack of caseworker time was a common contributing factor.

About three-fourths of the counties surveyed had from one to 75 children awaiting termination of parental rights. Overall, 64 counties had a total of 331 children waiting. More than half of these, (175) the counties said, were waiting because of inadequate legal services: the counties could not get their attorneys to complete the legal work so the case could go to court. At an average monthly cost in government funds of $275 per child to maintain them in foster care, lack of legal services is costing taxpayers almost $50,000 a month. This is far more than the cost of the legal services needed, since many of the cases would not be contested.

In the five-county field audit, termination of parental rights was not mentioned often in the records. And when it was, it usually did not happen. For 60%, termination was never mentioned. Where it had been mentioned, it had not yet happened although the first intent to terminate had been recorded an average of three years ago.

Several barriers to termination of parental rights illustrate what might be called the "chicken or the egg?" syndrome.

The natural parents will contest the termination, therefore the case will not be brought and the child will remain in foster care.

The social worker doesn't have time to prepare the termination case, therefore the caseload continues to grow and there is even less time available.

The child is considered to be unadoptable, therefore he is never freed for adoption and the prophecy becomes self-fulfilling.

The judge is philosophically opposed to terminating parental rights and therefore he is never asked to do so; he never hears a termination case, and therefore becomes more convinced his position is justified.

The social worker will not free the child for adoption because there is no adoptive home available, therefore the child is never considered by prospective adoptive parents because he is not free for adoption.

Adoption

The attitude of the 32 parents surveyed toward adoption of their foster children is strong, clear, and unequivocal. They were given seven options to answer the question, "What would you like for the future of your child to be?" Seventy-seven percent said "return home now," and 23% said "remain in foster care now, but return home later." None wanted their children to remain in foster care indefinitely, none wanted them to be adopted.

The survey of county departments of social services indicated that many children remain in foster care because counties cannot find adoptive homes for them. Three-fourths of the counties responding had one or more children waiting who were free for adoption but could not find a home. Altogether, counties reported 673 children remaining in foster care because they could not find adoptive parents.

Almost half of the judges responding to a survey said they would be reluctant to free a child for adoption, or in some cases would not, if an adoptive home were not available.

The five-county field audit found that most of the children that county social services departments wanted to place for adoption had encouraged significant delays. Major reasons were "unknown," "parents contesting termination," "lack of legal services," "lack of social worker time," "unadoptable," and "judge reluctant to terminate parental rights."

Special factors which might affect the child's prospects for adoption also were noted in the five-county field audit. For almost half the children, there were no special factors indicated. For the rest, one or more items were noted. These included being part of a sibling group which ideally would be

placed together (30%), age (13%), emotional disturbance (9%), need for adoption subsidy (9%), physical (5%) and mental (8%) handicaps, medical needs (4%), and race (1%). Almost three-fourths of the children were free from handicapping conditions. Among the 27% with handicaps were 18% that were remedial, and 9% that were irremedial.

Major problems in recruiting adoptive homes seem to be lack of leadership at the state level and unawareness of the state adoption subsidy at the local level. The state adoption unit in the Division of Social Services maintains a file of children freed for adoption and a listing of parents interested in adopting. These are largely children and parents whose records are sent to the state office by counties and by private adoption agencies. This information is never sent to counties, however. It is left up to the initiative of the overworked county social worker to call the state office to see if an appropriate adoptive placement is available, or to list potential adoptive parents. Several counties, attempting to fill this vacuum, have formed regional adoption clearinghouses, and share this kind of information on a quarterly basis. There is no statewide effort, however, although all county social workers interviewed insisted one is badly needed. The state adoption subsidy, although largely unused, is another tool that could recruit more adoptive parents.

Parents who adopt children in North Carolina are eligible for the state adoption subsidy. This allows up to $100 a month for unusual medical expenses, psychological treatment, and other supportive services; up to $100 a month for remedial services and special equipment such as wheelchairs; and up to $100 a month for parents who would be financially unable to adopt without assistance. Also, a one-time payment of $250 is available for legal services relating to the court hearing on the adoption. Maximum subsidy for a family eligible under all three

categories is $300 a month or $3,600 a year, plus the one-time $250 for legal fees.

The subsidy is designed to help parents who otherwise would be unable to adopt because of the special expenses involved. Subsidy payments begin when the adoption becomes legal. They continue until the special need no longer exists or the child reaches age 18, whichever comes first. Although authorized by the state legislature in 1976, no state funds have ever been appropriated for the subsidy. Federal Child Welfare Services funds are used to provide the limited number of subsidies being paid.

Most county foster care and adoption workers interviewed in fall 1978 were unaware of the subsidy, or did not understand that it is available to families with financial need only--even when the adoptive child was free of handicaps.

The subsidy began July 1, 1976, and in the first year disbursed $3,250 for about two children. For the second year, ending June 30, 1978, a total of $30,085 was disbursed. This included $25,500 in monthly payments, $1,146 in medical payments, $56 for remedial services, and $3,382 for legal services. About 20 children were involved. In the first quarter of the third year, from July 1 through September 30, 1978, subsidies totaled $15,551. This included $14,657 in monthly payments, $249 in medical payments, and $645 for legal services. At this rate, subsidy expenditures for 1978-79 would double the 1977-78 total.

Although use of the subsidy has increased rapidly from about two children on monthly subsidies to about 40, it is serving only a fraction of the more than 1,200 children adopted each year.

County workers intereviewed in the county field audit, and in an earlier five-county field interview, expressed uncertainties about who was eligible for the subsidy. In some cases, they were not even aware that the subsidy existed. One caseworker told the story of an 18-month-old child who had been in a foster home since he was a month old. The foster parents wanted to adopt the child but could not afford to. A request for an adoption subsidy was turned down by the

state office. The county appealed the decision, and the subsidy was eventually granted.

In October 1978, a typical month, there were 214 children released for adoption in North Carolina. These were children whose parents had voluntarily relinquished their rights to the child, or whose rights had been terminated by court order. It is estimated that about six times as many children will be adopted this year, however. This is probably because many are released for adoption only when adoptive parents have been found. For the year ending June 30, 1978, 611 adoptive petitions were filed (notice of intention to adopt which allows the child to live with the adoptive parents for a year), and 604 children were legally adopted by court decree (after completing the one-year waiting period). About two-thirds of the adoption petitions and decrees were handled by public agencies, the remainder by private adoption agencies.

Return to Natural Parents

The various surveys and studies made for this report show that in about 20% of the cases the child is expect to return to his natural parents. Data is lacking, however, on how often this is carried out and how well it works out for the family and the child. The lack of contact between the child, the foster parents, the social worker, and the parents makes return to the parents difficult. So does the lack of services to the parents, or even knowledge by the county department of social services of their whereabouts.

In the five-county field audit, 330 parents were involved. Eighty-eight were eliminated because both parents were dead, or the child had been released for adoption. This left 242 parents supposedly alive and concerned about their children. Yet the county departments of social services involved could provide accurate mailing addresses for only 98, or 40%. In a similar study in Massachusetts, 63% of the parents could be found.

It is hard for a child to be returned to his parents when the agency responsible for his custody and "permanency planning" has lost all touch with them.

RECOMMENDATIONS

1. Each child removed from his natural family should have a permanent placement plan prior to, or within 30 days of, removal from the home. This plan should provide for permanent placement within six months by returning the child home or by placing the child with an adoptive family. It should include a schedule of services to be provided to the child and natural family for carrying out the permanency plan. Where possible, a contract stating the obligations of the natural family and of the department of social services should be developed to indicate conditions for returning the child to the natural family.

2. In order to encourage counties to move as quickly as possible in finding a permanent home for children, the state board payment should be graduated downwards at the rate of 10% a month for every child that has been in foster care more than 18 months.

3. Many counties find their efforts to free children for adoption frustrated by the lack of adequate legal services to terminate parental rights. This occurs even when the termination will not be contested. Because this is a specialized area of law that does not occur in every county with constant frequency, a task force of attorneys should be employed on a regional basis to assist counties in handling termination cases.

4. The termination of parental rights law, because of its vagueness and lack of standards, results in uncertainties and delays in permanency placement. This contributes to longer stays in foster care. The law should be amended to clarify the standards and circumstances under which parental rights can be terminated, with the presumption that parental rights are forfeited if a child remains in foster care for one year or longer.

5. Most of the children remaining longest in foster care have been denied permanent homes because they are considered "hard to place" or "unadoptable." This may be because of age, race, or handicaps. Most of these children can be

placed in permanent homes through special placement efforts and use of adoption subsidies. The cost to state government would in the long run be reduced considerably, and the children would benefit from a permanent home. A special effort to find permanent homes for "hard to place" children should be launched. Also, the adoption subsidy should be expanded in funding and scope to remove financial barriers that might discourage permanent placement.

6. Lack of a statewide clearinghouse listing children freed for adoption and potential adoptive parents results in many children remaining in foster care for longer periods of time. A statewide adoption clearinghouse should be established to disseminate a loose-leaf catalog of children freed for adoption, with pictures, and of potential adoptive parents. The catalog should be updated monthly and made available to all county Departments of Social Services and state-licensed private adoption agencies.

7. Foster parents should always be given consideration as adoptive parents. They should be given priority over any other equally qualified potential adoptive parents. No child should be placed with foster parents who could not also qualify as adoptive parents——unless the special needs of the child require the services of special foster parents. Any foster parents who are unable to adopt for financial reasons should be given an adoption subsidy.